PROTECTIVE BY-LAW

Duxbury, Mass.

as adopted

March 15, 1973

Original protective
by-law adopted
March, 1944

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DUXBURY PROTECTIVE BY-LAW

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DUXBURY PROTECTIVE BY-LAW

(As adopted at Annual Town Meeting under Article 17, March 15, 1973 and approved by Attorney General of Massachusetts, August 3, 1973-- Original Protective By-Law adopted at Town Meeting, March 4, 1944.)
.....Amended 1974 A.T.M. Approved Att.Gen.Mass. May 15, 1974.....

ARTICLE 100

INTENT

Section 101. Purposes

The Protective By-Law is for the purpose of protecting the health, safety, convenience and general welfare of all inhabitants of the Town, to lessen the danger from fire, congestion, confusion and to improve and beautify the Town under and pursuant to the provisions of the constitution and the general laws. It is also recognized that man has a basic need and desire for adequate shelter and basic support facilities associated with contemporary living. In order to reconcile these basic human needs with the preservation of natural resources, historic and natural features, it is the purpose of this By-Law to utilize to the maximum extent possible, the powers granted to the Town under the Home Rule Amendment to the Massachusetts Constitution and Chapter 40A of the General By-Laws of the Commonwealth of Massachusetts so as to:

101.1 Protect the Town's significant environmental and historic features such as: salt marshes, wetlands, brooks, ponds, water resources, woodlands, productive farms, areas of scenic beauty, and sites and structures of historic importance.

101.2 Apply standards to measure and evaluate the impact future land development will have on the Town's natural resources, municipal facilities, historic areas, natural features, and to provide within this By-Law methods to minimize adverse effects of developments.

101.3 Develop rational land development alternatives, which will further the purposes of the Town of Duxbury's Comprehensive Plan, in order to utilize the development potential of the land and to minimize the adverse impacts on the Town's unique environmental and historic features, municipal facilities, and natural resources.

101.4 Authorize only by a Special Permit granted by the Board of Appeals, any alteration or obstruction of any stream, tidal river, marsh, wetland, pond or bog in conjunction with the Duxbury Wetlands and Watershed Protective District and Map dated March 13, 1971.

101.5 Establish within the Protective By-Law, techniques to allow the Town to measure and evaluate economic impacts of future development on the Town's financial structure; and provide within this Protective By-Law methods to minimize adverse impacts by introducing varied land uses.

DUXBURY PROTECTIVE BY-LAW

(As adopted at Annual Town Meeting under Article 17, March 15, 1973 and approved by Attorney General of Massachusetts, August 3, 1973-- Original Protective By-Law adopted at Town Meeting, March 4, 1944.)

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Section 102. Reference

This By-Law was undertaken in furtherance of the Town of Duxbury's Comprehensive Plan.

Section 103. Fiscal Capacity

This By-Law shall further the goal of balanced financial planning of the Town as stated in its Comprehensive Plan.

Section 104. Resource Protection

This By-Law shall aid in the accomplishment of the conservation objectives of the Town as stated in its Comprehensive Plan.

Section 105. Zoning Flexibility

This By-Law shall further the goals of providing flexible zoning regulations and quality standards to provide planned neighborhoods as stated in the Comprehensive Plan.

Section 106. Open Space

This By-Law shall provide a basis for providing necessary public uses and open space and historic preservation within residential communities as expressed in the Comprehensive Plan.

ARTICLE 200

ESTABLISHMENT OF DISTRICTS AND REGULATIONS

Section 201. Classes of Districts

For the purposes of this Protective By-Law the Town is hereby divided into the following classes of districts to be known as: Conservation District, Residential Compatibility District, Planned Development Districts, and Neighborhood Business Districts as delineated on the Duxbury Zoning Map dated March 13, 1973 provided that any conflict between the map and the description of any district in the written terms of this By-Law shall be resolved according to the written terms.

201.1 Conservation District - Includes all designated wetlands and watershed areas, and all designated publicly owned open space as defined in and subject to the provisions of Section 202 and shown on the Duxbury Zoning Map dated March 13, 1973.

201.3 Residential Compatibility District - This district shall by right permit residential development at one (1) unit per 40,000 square foot lot with limits defined by septic restrictions, Wetlands District as defined in 305.19 and flood plain areas. Includes all designated areas typically those areas 200 feet from a lot line of a lot on which an existing residential or institutional structure was erected prior to the effective date of this By-Law and on which is permitted residential and institutional development similar to existing residential development as defined in and subject to the provisions of Section 204 and as shown on the Duxbury Zoning Map dated March 13, 1973. Residential compatibility also shall include all areas upon which a dwelling has been built or a lot designated on a sub-division plan approved by the Duxbury Planning Board prior to the effective date of this By-Law. Cluster Development may be permitted by special exception permit at the same density and subject to performance standards particular to Residential Compatibility Districts and Articles 400, 500, 700 and 800 and Section 204 of the Protective By-Law.

201.4 Neighborhood Business Districts 1, 2 and 3 - Includes all areas designated as such on the Duxbury Zoning Map dated March 13, 1973. These districts shall by right permit residential development at one (1) residential unit per 40,000 square foot lot with at least 200-foot frontage on a way; and, commercial uses in conformance with the requirements defined by Section 208 through 225 and limits defined by Wetlands District as defined in 305.19, septic restrictions, floodplains and normal building code regulations.

201.5 Planned Development Districts 1, 2 and 3 - Includes all lands designated PD-1, PD-2, and PD-3 on the Duxbury Zoning Map dated March 13, 1973. In this district these special land uses are permitted only as special exception to the Protective By-Law and in conformance with the standards and procedures set forth

in Articles 400, 500 and 800. All uses permitted by right in the Residential Compatibility District in conformance with the standards in Section 204 are also permitted by right in the Planned Development District. A minimum of three different residential use types shall be required in any special use permit application for a planned development. Residential use types are defined as (1) single family detached, (2) single family attached, semi-attached or townhouses, (3) multi-family or garden apartments. In no case shall there be any more than 60% of any residential use type. In PD-1 and 2 detached single family uses shall be at least 5% of the required mix.

201.5.1 Planned Development District 1 - Shall by right permit single family development at a density of one (1) unit per 40,000 square foot lot subject to the requirements of Section 204.4, with limits defined by Wetlands District as defined in 305.19 and the Duxbury and State building code regulations. Planned Development and/or Cluster Development may be permitted by special exception permit at a maximum density range of 1 to 2.5 residential units per acre with standards enumerated in Articles 400 and 500 of this By-Law. In any Planned Development within this district, the number of detached single family dwelling units shall not exceed twenty percent of the total number of dwelling units.

201.5.2 Planned Development District 2 - Shall by right permit single family development at a density of one (1) unit per 40,000 square foot lot subject to the requirements of 204.4, with limits defined by Wetlands District as defined in 305.19 and the Duxbury and State Building code regulations. Planned Development and/or Cluster Development with integrated neighborhood business may be permitted by special exception permit at a maximum density range of 1 to 4 residential units/acre with limits defined by standards enumerated in Articles 400 and 500 of this By-Law. Uses permitted in NBD 1 (Section 208.2) may be permitted by special exception. The gross floor area of NBD 1 business uses (Section 208.2) shall not exceed 5% of the gross floor area of residential uses. In any planned development within this district the number of detached single family dwelling units shall not exceed twelve and one-half percent of the total number of dwelling units.

201.5.3 Planned Development District 3 - Shall by right permit single family development at a density of one (1) unit per 40,000 square foot lot subject to the requirements of 204.4, with limits defined by Wetlands District as defined in 305.19 and the Duxbury and State building code regulations. Planned Development and/or Residential Cluster Development with integrated business and/or light industrial uses may be permitted by special exception permit at a maximum density range of 1 to 6 residential units/acre with limits defined by standards enumerated in Articles 400 and 500 of this By-Law. In any planned development within this district the number of detached single family dwelling units shall not exceed five percent of the total number of dwelling units.

Section 202. Conservation District - Permitted Uses

202.1 Conservation District General - This section does not grant any property rights; it does not authorize any person to trespass, infringe upon or injure the property of another; it does not excuse any person of the necessity of complying with other sections of this By-Law or other applicable laws, regulations and by-laws.

in Articles 400, 500 and 800 subject to the requirements of Section 204.4. All uses permitted by right in the Residential Compatibility District in conformance with the standards in Section 204 are also permitted by right in the Planned Development District. A minimum of three different residential use types shall be required in any special use permit application for a planned development. Residential use types are defined as (1) single family detached, (2) single family attached, semi-attached or townhouses, (3) multi-family or garden apartments. In no case shall there be any more than 60% of any residential use type. In PD-1 and 2 detached single family uses shall be at least 5% of the required mix.

201.5.1 Planned Development District 1 - Shall by right permit single family development at a density of one (1) unit per 40,000 square foot lot with limits defined by Wetlands District as defined in 305.19 and the Duxbury and State building code regulations. Planned Development and/or Cluster Development may be permitted by special exception permit at a maximum density range of 1 to 2.5 residential units per acre with standards enumerated in Articles 400 and 500 of this By-Law.

201.5.2 Planned Development District 2 - Shall by right permit single family development at a density of one (1) unit per 40,000 square foot lot with limits defined by Wetlands District as defined in 305.19 and the Duxbury and State building code regulations. Planned Development and/or Cluster Development with integrated neighborhood business may be permitted by special exception permit at a maximum density range of 1 to 4 residential units/acre with limits defined by standards enumerated in Articles 400 and 500 of this By-Law. Uses permitted in NBD 1 (Section 208.2) may be permitted by special exception. The gross floor area of NBD 1 business uses (Section 208.2) shall not exceed 5% of the gross floor area of residential uses.

201.5.3 Planned Development District 3 - Shall by right permit single family development at a density of one (1) unit per 40,000 square foot lot with limits defined by Wetlands District as defined in 305.19 and the Duxbury and State building code regulations. Planned Development and/or Residential Cluster Development with integrated business and/or light industrial uses may be permitted by special exception permit at a maximum density range of 1 to 6 residential units/acre with limits defined by standards enumerated in Articles 400 and 500 of this By-Law.

Section 202. Conservation District - Permitted Uses

202.1 Conservation District General - This section does not grant any property rights; it does not authorize any person to trespass, infringe upon or injure the property of another; it does not excuse any person of the necessity of complying with other sections of this By-Law or other applicable laws, regulations and by-laws.

202.2 Permitted Uses By Right - In a Wetland and Watershed Protection District as defined in 305.19 the following uses are allowed as a matter of right:

202.2.1 Conservation of soil, water, plants, and wildlife, including wildlife management shelters.

202.2.2 Outdoor recreation, including play and sporting areas, nature study, boating, fishing and hunting where legally permitted, including duck blinds and foot-bicycle-horse paths.

202.2.3 Proper orientation and maintenance of dams and other water control devices, including temporary alteration of the water level for agricultural, emergency or maintenance purposes or for the propagation of fish.

202.2.4 Forestry, grazing, farming, nurseries, truck gardening and harvesting of crops including but not limited to such crops as cranberries, marsh hay, seaweed, berries, fruits and seeds, and including non-residential buildings or structures used only in conjunction with fishing, shellfishing or the growing, harvesting or storage of crops raised on the premises.

202.2.5 Accessory uses such as flower or vegetable gardens and lawns. Fences and signs not exceeding three square feet in size.

202.3 Permitted Uses By Exception - Upon issuance of a special permit for an exception by the Board of Appeals, and subject to such special conditions and safeguards as the Board of Appeals deems necessary to fulfill the purposes of this By-Law the following uses and structures are permitted:

202.3.1 Footbridges and plank walks.

202.3.2 Appropriate municipal uses, such as water works, pumping stations and parks.

202.3.3 Temporary storage of materials or equipment for a period not to exceed three months in any calendar year, said permit may be renewable for one additional three-month period only.

202.3.4 Dams, excavations, or changes in watercourses to create ponds, pools for swimming, fishing, wildlife or other recreational or agricultural uses, scenic features or for drainage improvements.

202.3.5 Boat landings and boathouses, the latter not to exceed 20 feet in height nor 100 square feet in total ground coverage.

202.3.6 No obstruction of streams or tidal rivers and no excavation or filling of any marshs, wetland or bog shall be done without proper authorization by a special permit issued by the Board of Appeals as required under the provisions of this By-Law relative to the Wetland and Watershed Protection District.

202.4 Prohibited Uses - Dumping, filling, excavating or transferring of any materials which will reduce the natural water storage capacity of the land, interfere with the

natural flow patterns of any watercourses or degrade the quality of surface or ground water within this District is prohibited, except as provided in Sections 202.3.3 and 202.3.4. Activities that are incidental to flood or mosquito control work or activities incidental to the agricultural uses defined in Section 202.2.4 except as performed by an authorized governmental agency are also prohibited.

202.5 Exemptions - The following are specifically exempt from the provisions of Section 202:

202.5.1 All residential dwellings, and those portions only of the lots therefore needed for such repair, rebuilding, modification or enlargement of buildings existing in the Wetland and Watershed District on March 13, 1971.

202.5.2 All commercial and business buildings, and those portions only of the lots therefore needed for such repair, rebuilding, modification or enlargement of buildings existing in the Wetland and Watershed District on March 13, 1971.

202.5.3 All residential, commercial and business buildings, and those portions only of the lot(s) therefore needed for such repair, rebuilding, modification or enlargement of building, the building permits for which were issued prior to March 13, 1971.

202.5.4 All dwellings and buildings referred to in this paragraph may be repaired, rebuilt, modified or enlarged, including, but not limited to, the addition of garage and living space and construction of appurtenant outbuildings, together with such filling, diking, and/or drainage as may be necessary for the protection of said structure(s) from flood inundation, consistent with the laws of the Commonwealth of Massachusetts, and in compliance with all other zoning requirements, and provided such construction does not affect the natural flow pattern of any watercourse.

202.6 Lot Area Requirements - The following standards shall be applied to the requirements for lot area when involved with wetland areas:

202.6.1 Residential Compatibility District - In this district a lot may be utilized for development of permitted uses provided that not more than 50% of the required 40,000 square foot lot shall be in a Wetland or Watershed Protection District of the Conservation District and that those lands in the Wetland or Watershed Protection areas shall not be built on or used for septic fields or tanks.

202.6.2 Residential Cluster Development - In a Residential Cluster Development a maximum of 50% of any single lot or contiguous site which is in the Wetland and Watershed Protection District of the Conservation District may be used to meet the area, yard and open space and/or common open space requirements for the district in which the site or lot is located but shall not be built on or used for septic fields or tanks.

202.6.3 Planned Development - In a Planned Development a maximum of 50% of any single lot or contiguous site which is in

the Wetland and Watershed Protection District of the Conservation District may be used in the computation of required area, yard and open space and/or common open space requirements. A maximum of 50% of the allowed density on the adjoining upland for any single lot or site may be used in the density calculation for that 50% of the Wetlands District if the applicant can determine that such densities will not harm or pollute the wetland areas in question. No structures, septic fields or tanks shall be permitted within the Wetland and Watershed Protection District.

This same rule for density calculations may be utilized when a proposed site for a Planned Development includes within its boundary a designated Residential Compatibility District if those areas in the Residential Compatibility District are left open and unbuilt upon.

202.7 Board of Appeals Findings - If any land in the Wetland and Watershed Protection District if found by the Board of Appeals, after the question has been referred to and reported upon within thirty (30) days by the Planning Board and the Board of Health, not in fact to be subjected to seasonal or periodic flooding or unsuitable because of drainage conditions, the Board of Appeals, shall, after a public hearing with required notice, grant a special permit for the use of such land and for the construction and erection of a building or structure for any purpose permitted in the Residential Compatibility District providing such use will not endanger the health or safety of the occupants thereof, subject, however, to any requirement of any other applicable provision of this By-Law.

202.8 Building Permits - Whenever an application is made for a building permit on land which the Building Inspector believes may involve the use of land in the Wetland and Watershed Protection District, there shall be provided as part of such application a plan of the lot on which such building is intended to be built, showing elevations of the land contours at one-foot intervals referred to mean sea level datum and certified by a registered Land Surveyor. In the case of a building permit for an interior improvement or addition to a building or structure covered by exemptions the elevations of land shall not be required.

202.9 Special Permits For Exception - Wherever in this section the Board of Appeals is authorized to issue a special permit for an exception, said Board shall assure to a degree consistent with a reasonable use of the location that said use:

202.9.1 Does not produce unsuitable development in marshes, bogs, and ponds or along watercourses or in areas subject to flooding.

202.9.2 Conserves the value of lands and buildings.

202.9.3 Facilitates the adequate protection and provision of a water supply through preservation and maintenance of the ground watertable.

202.9.4 Protects and preserves the inland marshes, bogs, ponds and watercourses and their adjoining wetlands in order to safeguard the purity and protection of marine life and for recreation purposes.

202.9.5 Encourages the most appropriate uses of the land.

Section 204. Residential Compatibility District - General

Residential compatibility also shall include all areas upon which a dwelling has been built on a lot designated on a subdivision plan approved by the Duxbury Planning Board prior to the effective date of this By-Law. In areas designated on the Duxbury Zoning Map dated March 13, 1973, as Residential Compatible Districts and defined in Section 201.3 the following regulations shall apply:

204.1 Permitted Uses - In Residential Compatibility Districts no building shall be erected, used or maintained, and no building or premises shall be used for any purpose except:

204.1.1 Detached one-family residence.

204.1.2 Church.

204.1.3 Educational use.

204.1.4 Farm, garden, nursery or greenhouse; also stands for the sale of products raised on the premises, subject to a special permit for exception.

204.1.5 Municipal recreational use.

204.1.6 Telephone exchange, not including a service station or outside storage of materials or supplies.

204.1.7 Accessory use on the same lot which is customarily incident to any of the above permitted uses and not detrimental to a residential neighborhood. The use of a room or rooms in a dwelling for a home occupation, or home occupation carried on by a person or persons resident therein, shall be permitted as an accessory use provided that there be no display or advertising except a sign not to exceed two square feet in area.

204.2 Prohibited Accessory Uses:

204.2.1 A garage for the storage of more than three automobiles.

204.2.2 Except on a farm, the keeping of any vehicle or motor vehicle, which is registered under the laws of the Commonwealth of Massachusetts as a commercial vehicle, or if said vehicle is unregistered, it is of the character which, if it were registered, it would by law be required to be registered as a commercial vehicle under said laws of the Commonwealth, including but not specifically limited to bulldozers, flatbeds, large dump trucks, backhoes, graders, chippers, and tractors except for one motor vehicle designed for the carrying of cargo or freight which does not exceed 10,000 pounds gross vehicle weight, owned or operated by a resident of premises on which it is kept. Nothing herein shall be construed to prohibit the keeping of one service type vehicle not to exceed 10,000 pounds gross vehicle

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204.1 Permitted Uses - In Residential Compatibility Districts no building shall be erected, used or maintained, and no building or premises shall be used for any purpose except:

204.1.1 Detached one-family residence.

204.1.2 Private club not conducted for profit and not containing sleeping quarters for more than four persons.

204.1.3 Church

204.1.4 Educational use.

204.1.5 Farm, garden, nursery or greenhouse; also stands for the sale of products raised on the premises, subject to a special permit for exception.

204.1.6 Municipal recreational use.

204.1.7 Telephone exchange, not including a service station or outside storage of materials or supplies.

204.1.8 Accessory use on the same lot which is customarily incident to any of the above permitted uses and not detrimental to a residential neighborhood. The use of a room or rooms in a dwelling for a home occupation, or home occupation carried on by person or persons resident therein, shall be permitted as an accessory use provided that there be no display or advertising except a sign not to exceed two square feet in area.

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204.2.1 A garage for the storage of more than three automobiles.

204.2.2 Except on a farm, the keeping of any vehicle or motor vehicle, which is registered under the laws of the Commonwealth of Massachusetts as a commercial vehicle, or if said vehicle is unregistered, it is of the character which, if it were registered, it would by law be required to be registered as a commercial vehicle under said laws of the Commonwealth, including but not specifically limited to bulldozers, flatbeds, large dump trucks, backhoes, graders, chippers, and tractors except for one motor vehicle designed for the carrying of cargo or freight which does not exceed 10,000 pounds gross vehicle weight, owned or operated by a resident of premises on which it is kept. Nothing herein shall be construed to prohibit the keeping of one service type vehicle not to exceed 10,000 pounds gross vehicle

weight by a resident who carries on a trade or profession away from his premises.

204.2.3 Advertising signs, except those pertaining to the lease, sale, or rental of a lot or building on which they are placed and shall not exceed six square feet in area, and those referred to in Section 204.1.8.

204.3 Special Permits for Exception - Any of the following uses provided it is not injurious or offensive to the neighborhood, and only if authorized by a special permit for an exception by the Board of Appeals.

204.3.1 Alterations, otherwise prohibited, of a legal dwelling (existing at the time this By-Law is adopted) for two families.

204.3.2 Cemetery

204.3.3 Golf Club

204.3.4 Hospital, convalescent home, sanitorium, institution or philanthropic use.

204.3.5 Municipal use

204.3.6 Riding stable

204.3.7 Guest house

204.3.8 Trailers, trailer coaches, travel trailers, tent trailers, or mobile homes are expressly prohibited except that if not found injurious or offensive to the neighborhood and as authorized by a special permit for an exception. A trailer, a trailer coach, a travel trailer, motor home, tent trailer or mobile home may be used on a residential lot for a period of not more than six months. Such authorization shall not be renewed for more than one additional six-month period.

204.3.9 Private club not conducted for profit and not containing sleeping quarters for more than four persons.

204.4 Height, Area and Bulk Requirements - In a Residential Compatibility District the following yard requirements shall be:

204.4.1 Front Yards - In Residential Compatibility Districts where the way is forty or more feet in width no building or roadside stand shall be erected or placed within 25 feet of the right-of-way line. Where the way is less than 40 feet in width the building or stand shall be placed no less than 45 feet from the center of the way. Where present buildings on adjoining lots are less than 25 feet from the right-of-way line, new buildings may be placed as near the way line as the average of the buildings on said adjoining lots. A vacant lot shall, for this purpose be treated as though occupied by a building set back 25 feet.

204.4.2 Side and Rear Yards - In a Residential Compatibility District no dwelling shall be built within 10 feet of the side or rear lot line, and no other building within five feet of such line and no building shall be placed within 30 feet of any other building.

204.4.3 Lot Size - In a Residential Compatibility District no building shall be erected or maintained on a lot, unless such

weight by a resident who carries on a trade or profession away from his premises.

204.2.3 Advertising signs, except those pertaining to the lease, sale, or rental of a lot or building on which they are placed and shall not exceed six square feet in area, and those referred to in Section 204.1.8.

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204.3.6 Riding stable

204.3.7 Guest house

204.3.8 Trailers, trailer coaches, travel trailers, tent trailers, or mobile homes are expressly prohibited except that if not found injurious or offensive to the neighborhood and as authorized by a special permit for an exception. A trailer, a trailer coach, a travel trailer, motor home, tent trailer or mobile home may be used on a residential lot for a period of not more than six months. Such authorization shall not be renewed for more than one additional six-month period.

204.4 Height, Area and Bulk Requirements - In a Residential Compatibility District the following yard requirements shall be:

204.4.1 Front Yards - In Residential Compatibility Districts where the way is forty or more feet in width no building or roadside stand shall be erected or placed within 25 feet of the right-of-way line. Where the way is less than 40 feet in width the building or stand shall be placed no less than 45 feet from the center of the way. Where present buildings on adjoining lots are less than 25 feet from the right-of-way line, new buildings may be placed as near the way line as the average of the buildings on said adjoining lots. A vacant lot shall, for this purpose, be treated as though occupied by a building set back 25 feet.

204.4.2 Side and Rear Yards - In a Residential Compatibility District no dwelling shall be built within 10 feet of the side or rear lot line, and no other building within five feet of such line and no building shall be placed within 30 feet of any other building.

204.4.3 Lot Size - In a Residential Compatibility District no building shall be erected or maintained on a lot, unless such

lot has an area of 40,000 square feet or more and shall have a frontage measurement on a way equal or greater than 200 feet. Frontage cannot accrue from a limited access highway.

204.4.4 Driveway Requirements - It is preferred that all single detached lots shall have driveways spaced no less than 10 times the posted speed limit on the way on which the lot abuts assuming that the way is not a cul-de-sac 500 feet or less in length or a loop with less than 25 lots abutting or having access to it.

204.4.5 Non-Conforming Buildings and Lots - This section shall apply only to a building legally in existence when this By-Law becomes effective provided the lot upon which it stands is not subsequently diminished in area or width of frontage; nor shall it apply to a lot described in a deed, or shown on a plan, duly recorded in the Plymouth County Registry of Deeds when this By-Law becomes effective, provided that if at such time there was other contiguous land of the same owner which might be used in connection with such lot, such land shall be so used to the amount required to constitute a lot of the area and frontage prescribed in this paragraph, and such lot shall not subsequently be diminished in area or frontage below the requirements herein stated. In the case of any lot so described or shown in said Registry of Deeds to which there is not sufficent other land of the same owner contiguous and capable of use to constitute a lot of the area and frontage prescribed in this section, the owner may erect and maintain but one building other than accessory buildings on such lot. (See Section 204.4.3)

204.4.6 Corner Clearance - Within the triangle formed by the lines of intersecting ways and a line joining points on such lines 15 feet distance from their point of intersection, or in case of a rounded corner, the point of intersection of their tangents, no structure and no foliage, shall be maintained between a height three and one-half feet and a height of eight feet above the plane through their curb grades.

204.4.7 Projections - Nothing herein shall prevent the projection of steps, stoops, not exceeding thirty square feet in area, eaves, cornices, window sills, belt courses into any required yard.

204.4.8 Height - No structure in this district shall be erected or altered to exceed 2.5 stories or 35 feet which ever is less.

204.4.9 Parking Requirements - For residential uses, three (3) parking spaces per each one-family dwelling either on or off the lot.

Section 205. Cluster Residential Development

Shall be a permitted special exception in this district and shall conform to the standards set forth in Article 700 and 507.1.

Section 206. Planned Development Districts

Uses in P D Districts shall by right be as permitted in the Residential Compatibility District as defined in and subject to Section 204 of this By-Law. In addition all P D Districts shall be designated as being eligible under certain conditions for a special exception permit and shall be evaluated to determine eligibility under the guidelines and procedures detailed in Articles 400, 500 and 800.

Section 207. Neighborhood Business Districts

The Town of Duxbury shall have three designated business districts as shown on the Duxbury Zoning Map dated March 13, 1973, and as defined in and subject to Section 208 through and including 225.

Section 208. Neighborhood Business District 1

General - In Neighborhood Business District 1 no building shall be erected or altered and no building, premises or land shall be used for any purpose injurious or offensive to the neighborhood by reason of the emission of odor, fumes, dust, smoke, vibration or noise. Parks for trailers, travel trailers, tent trailers, trailer coaches and motor homes are expressly prohibited.

208.1 Uses Permitted by Right - All uses permitted in Section 204.1 subject to the provisions of Section 204.4.

208.2 Uses Subject to Site Plan (Section 211) Review - The uses listed below shall be permitted after approval by the Board of Appeals of a site plan in instances where the outdoor parking of more than three (3) vehicles is required or proposed or off-street loading is required:

208.2.1 Retail sales of food items, including confectionary, dairy products, fruits, vegetables, groceries, and meats. The sale of baked goods and the manufacture of same for sale.

208.2.2 The sale of dry goods, variety merchandise and handicraft work.

208.2.3 The sale of clothing and clothing accessories.

208.2.4 The sale of hardware, household items including applicances, furniture, furnishings and supplies.

208.2.5 The sale of printed matter, drugs, stationery and photographic supplies and items clearly similar to the above.

208.2.6 Business and professional offices; real estate, insurance and general business offices; the offices of dental, architectural, engineering, legal, medical and other recognized professions, banks, telephone offices, medical and dental clinics, mortuaries and funeral parlors.

208.2.7 Restaurants and other places for the serving of food or beverages inside or outside the building at tables or counters including public or private clubs.

208.2.8 Service establishments: barber and beauty shops, laundry agencies, shoe and hat repair, bicycle and household appliance repair, dressmaking, drycleaning, and pressing or tailor shops where no work is done on the premises for retail outlets elsewhere.

208.2.9 Shop of an electrician, painter, paper-hanger, plumber, upholsterer, carpenter, or cabinet maker, provided the operation is free of noise, dust, fumes, smoke or soot.

208.2.10 Nurseries, truck gardens, farms, greenhouses.

208.2.11 Public transportation passenger stations and rights-of-way, passenger bus terminals.

208.2.12 Municipal buildings.

208.2.13 A dwelling may be incorporated in a business structure above the ground floor.

Section 209. Neighborhood Business District 2

General - In Neighborhood Business District 2 no building shall be erected or altered and no building, premises or land shall be used for any purpose injurious or offensive to the neighborhood by reason of the emission of odor, fumes, dust, smoke, vibration or noise. Parks for trailers, travel trailers, tent trailers, trailer coaches and motor homes are expressly prohibited.

209.1 Permitted Uses By Right - Any uses permitted in Section 208.1 in conformance with site plan, procedures and requirements for such uses and subject to the provisions of Section 204.4. In addition retail businesses, services or public utility not involving manufacture on the premises, except of products, the major portion of which is to be sold at retail by the manufacturer to the consumer and provided further that not more than ten (10) operators shall be employed in such manufacture. Such retail business may include sales at wholesale, provided that the physical incidents occurring on the premises, such wholesale transactions are of substantially the same character as the physical incidents of its retail sales direct to the consumer, and provided further that the major portion in number of its sales shall continue to be retail sales.

209.2 Permits for Special Exceptions - For the uses listed below a special permit for exception is required from the Board of Appeals prior to issuance of a building permit. A site plan (Section 211) shall be submitted with the application.

209.2.1 Automobile sales and services; provided that where it is proposed to dispense, sell, or offer for sale, motor fuels directly to users of motor vehicles each of the criteria immediately following must be met by the proposed site before the special permit for exception may be issued by the Board of Appeals.

209.2.2 There is no existing sales room, service station, garage, or other establishment dispensing motor fuels within 1300 feet.

209.2.3 No public or private, playfield or playground, church or other place of public worship, cemetery, police station, fire station, hall or other place of public assembly, municipal building used for public business meetings or assemblies, Town-owned sites held for future schools, playgrounds or playfields is within 500 feet of the proposed facility.

209.2.4 The site plan and proposed construction conforms to the following:

A landscaped safety island parallel to the street line 60 feet in length along the street and 25 feet in depth.

On either end of this island "curb cuts" or access drives of not more than 30 feet and not less than 25 feet in width at the exterior of the street.

The minimum frontage shall be ten (10) times the posted speed limit or 150 feet whichever is the greater.

Not more than three (3) pumps and/or six (6) hoses in one "island" for dispensing leaded gasoline or motor fuel, plus one (1) additional pump and hose for dispensing either diesel fuel or white gasoline so-called.

209.2.5 Automobile sales and service shall be deemed to include: Automobile sales, outdoor automobile sales display, service stations, repair and storage garage, provided that washing, lubricating and major repairing of motor vehicles are performed inside of enclosed buildings and that all dispensing of fuels, lubricants and fluids is done entirely on the property of the station or garage. Auto dismantling and junk operations are expressly prohibited.

209.2.6 Boat sales, service and outdoor business and storage, provided that major repair of engines shall be performed inside of enclosed buildings, and that all dispensing of fuels, lubricants and fluids is done entirely on the property of the business.

209.2.7 The sale of building materials.

Section 210. Neighborhood Business District 3

General - In Neighborhood Business District 3 no building shall be erected or altered and no building, premises, or land shall be used for any purpose injurious or offensive to the neighborhood by reason of the emission of odor, fumes, dust, smoke, vibration or noise. Parks for trailers, travel trailers, tent trailers, trailer coaches and motor homes are expressly prohibited.

210.1 Uses - Hotels, motels and similar facilities for guest accomodations.

210.2 Special Permits for Exception - For the uses listed above a special permit for exception is required from the Board of Appeals prior to issuance of a building permit. A site plan as described in Section 211 shall be submitted with the application.

Section 211. Site Plan Approval

All proposed buildings in the NBD 1, NBD 2, NBD 3 Districts shall be constructed, reconstructed, altered, enlarged or used only in conformity with a site plan endorsement of approval by the Board of Appeals. Said site plan shall show, among other

things, all existing and proposed buildings, structures, parking spaces, driveways, driveway openings, service areas, and other open-space uses, desirable existing and proposed trees on these premises, all facilities for sewage, refuse storage and other waste disposal, and for surface water drainage or retention system and all principal landscape features (such as fences, walls, planting areas and walks) on the lot. Signs and lighting must be included in all site plans.

Section 212. Procedures

Any person desiring approval of a site plan under Section 211 shall submit said plan to the Building Inspector who shall transmit it forthwith to the Board of Appeals. No building permit shall be issued until the Board has approved a site plan or has allowed sixty (60) days to elapse after receipt without acting. The Board shall have power to modify or amend its approval of a site on application of the owner, leasee, or mortgagee of the premises, or upon its own motion if such power is reserved by the Board in its original approval. All of the provisions of this section applicable to approval shall, where apt, be applicable to such modification or amendment. The 60 day requirement may be voluntarily extended upon agreement of both parties.

Section 213. Determinants

In deciding applications for site plan approval under Section 211 the Board of Appeals shall assure, to a degree consistent with a reasonable use of the site for the purpose permitted by the regulations of the district in which it is located:

213.1 Protection of adjoining premises against detrimental or offensive uses on the site.

213.2 Convenience and safety of vehicular and pedestrian movement in relation to adjacent ways and land.

213.3 Adequacy of the methods of disposal for sewage, refuse or storage and other wastes resulting from the uses permitted on the site, and methods of drainage or retention of surface water.

213.4 The maintenance and promotion of dispersed shade on paved areas through the effective use of established and/or new trees.

Section 214. Intensity of Use - Height, Area, Yard and Coverage Requirements

Business Uses - A building structure or open air use hereafter erected or commenced in a Business District shall be located on a lot and in such position to have not less than the minimum requirements set forth as follows:

214.1 Lot Requirements - In residential districts, all non-residential uses permitted therein shall be located on lots that conform to the minimum standards set forth for residential uses in the district in which the lot is located.

214.1.1 Special Requirements - Lot area, frontage on a way and depth:

Minimum lot area 15,000 square feet.

New lot and yard dimensions:

frontage	-	100 lineal feet
depth	-	100 lineal feet
front yard	-	10 lineal feet
side yard	-	0 lineal feet
rear yard	-	0 lineal feet

Maximum building height shall be 2-1/2 stories.

Maximum percent of lot covered by buildings and impervious cover 50 per cent.

214.1.2 New or Existing Residential Structures - the minimum requirements when applicable shall be those of the Single Residence District. In the case of lots in the business district, which lots are non-conforming as to area and frontage but were recorded or registered prior to the adoption of the By-Law provisions that made said lots non-conforming, such lots may be built upon and used in conformity with the use provisions of the particular district, provided there was not other land of the same owner adjoining and available for use in connection with said parcel at the time of the adoption of the By-Law provision making said parcels non-conforming. Conformity to yard, height and coverage limitations is not waved hereby. In determining the areas and frontage of a lot there shall not be included any land within the limits of a street upon which such lot abuts, even if the fee to such street is in the owner of the lot.

No lot, upon which is then located any building or with respect to which a permit has been issued and is then outstanding for the erection of any building, shall be sub-divided or reduced in area in any manner unless said lot shall thereafter be of sufficient area and width to meet the requirements of this By-Law at the time of such reduction and unless such lot so altered, and any building or buildings thereon, shall meet all the other requirements of this By-Law, if land be sub-divided, conveyed, devised or otherwise tranferred in violation hereof, no building or other permit shall be issued with reference to any of the land so transferred or to the lot(s) retained until all of such land and lots meets the requirements of this By-Law. Any land taken by eminent domain or conveyed for a public purpose for which the land could have been or was taken by eminent domain shall not be deemed to be transferred in violation of the provisions hereof.

When a lot in one ownership is situated so that a part of it is in the Town of Duxbury and a part in an adjacent town or city, the provisions, regulations, and restriction of the By-Law shall be applied to that portion of such lot as lies in the Town of Duxbury in the same manner as if the entire lot were situated therein, i.e., the entire area and frontage shall be considered in determining conformity to dimensional requirements herein. The use of the portion of the lot in the Town of Duxbury shall conform to the provisions herein.

214.2 Yard, Height and Coverage

214.2.1 Front Yard Dimension - Shall be measured from the right of way line of the way giving legal access to any lot where a plan of the way is on file with the Registry of Deeds or, in the absence of such a plan, from a line twenty (20) feet from and parallel with the center line of the traveled way. Where present buildings on adjoining lots are less than forty (40) feet from the way line, new buildings may be placed as near the way line as the average of the buildings on said adjoining lots. A vacant lot shall, for this purpose be treated as though occupied by a building set back forty (40) feet.

214.2.2 Exceptions to Height Regulations - The limitations of height in feet shall not apply to chimneys, ventilators, skylights, tanks, bulkheads, penthouses and other accessory structural features usually carried above roofs, nor to domes, towers, or spires of churches or other buildings provided such features are in no way used for living purposes, and further provided that no such structural feature of any building shall exceed a height of sixty-five (65) feet from the ground, except by special permit for exception by the Board of Appeals. In Neighborhood Business Districts any yard space or area required to be kept open and unbuilt upon may nevertheless be used for off street automobile parking, if otherwise lawful, except that a strip not less than ten (10) feet wide on which to grow grass, bushes, flowers or trees shall be maintained open, unpaved and not parked upon along each side and rear property line of such a lot wherever it abuts a residential district.

In a business district no accessory building or structure shall be located within the required front yard area. Accessory structures may be appended to the principal building or to another accessory building.

No lot, yard, court or other open space already having less than the minimums required in these by-laws shall be further divided or reduced.

Projections. Nothing herein shall present the projection of steps, stoops not exceeding thirty (30) square feet in area, eaves, cornices, window sills or belt courses into any required yard.

Section 215. Minimum Off-Street Parking and Loading Requirements

In a Neighborhood Business District off-street parking shall be provided in connection with the original erection or increase by units or dimensions of any building or structure in the following increments and subject to Section 208.2:

215.1 Residential uses: three (3) parking spaces per each one-family dwelling.

215.2 For general retail business, commercial and personal service establishments: one (1) parking space per 100 square feet of floor area, exclusive of basement storage or space not used for business purposes, plus one (1) space for each two (2) employees.

215.3 For restaurants, tea rooms, lunch counters or other facilities for eating or drinking, one (1) space for each three (3) employees plus one (1) for every four (4) patrons accomodated at tables or counters.

215.4 For roadside stands, filling stations, automobile repair shops or other roadside service establishments, one (1) space for each two (2) employees plus such additional spaces for customer-motorists as the Board of Appeals shall determine to be necessary in order to provide a maximum of safety and a minimum of congestion on the adjacent roadways.

215.5 For any and all uses or structures not specifically provided for in the foregoing enumeration, such parking spaces as the Board of Appeals shall determine to be necessary considering the activities involved, in order to provide a maximum of safety and a minimum of congestion on the adjoining roadways.

Section 216. Change of Use

Whenever after the date of this By-Law there is a change in lawful use of the premises or in the number of employees or business visitors or any other units of measurement specified in any of the mentioned sections, and whenever such change creates a need for an increase of more than 20% of the number of required off-street parking spaces as determined by the requirements of this section, more off-street parking facilities shall be provided on the basis of adjusted needs as determined by this section. When a building or use that does not conform to these off-street parking requirements is expanded, parking spaces as specified shall be provided for the expansion.

Section 217. Mixed Uses

In the case of mixed uses, the required parking spaces shall be the sum of the requirements of the individual uses, computed separately. Parking facilities for one use shall not be considered as providing the required parking spaces for any other use unless it can be clearly demonstrated that the need for parking occurs at different times.

Section 218. Location of Facilities

Off-street automobile parking facilities to the extent required in this section may be provided on the same lot with the traffic generating activity or on a lot or premises a substantial portion (60%) of which, is within 200 feet of such activity.

Section 219. Restrictions

Parking areas shall be used for automobile parking only, with no sales, dead storage, repair work, dismantling or servicing of any kind. The required parking areas shall be permanently available for use by patrons and employees of establishments providing such space.

Section 220. Design Standard

All off-street parking facilities shall be designated with appropriate means of vehicular access to a street or alley as well as maneuvering areas. Access to and from lots shall be through designated driveways with openings or curb cuts not in excess of 40 feet in width at exterior line of public or private way.

220.1 Said parking areas shall be provided and maintained with a permanent dust-free surface, shall be provided with adequate drainage or retention and shall have bumper guards where needed for safety.

220.2 Where lighting is provided, lights shall be so designed and placed as to provide sufficient illumination of the ground below, for the safe passage and identification of vehicles and pedestrians in the immediate areas and so as to eliminate any direct view of the light sources from any public way or adjacent property. As a general guideline, an average of from 3 to 5 foot candle lighting level throughout the area shall be considered safe and sufficient illumination and no lighting shall be projected from the lighting fixture in excess of an angle of 45 degrees above the vertical. Where lighting levels in excess of the above average are deemed necessary by owners, lessees or other exercising control of said parking areas, the Board shall be petitioned in writing for special lighting permits, with the reasons together with a fee to be set by the Board of Selectmen. In acting upon such request for special lighting permits, the Board of Appeals shall take into consideration reasonable safety requirements for the intended use of the parking areas with regard to the aforementioned guideline, and shall weigh the impact of increased lighting levels on the adjacent public ways and properties. However, in no event may the Board of Appeals permit avoidance of the basic requirement that lights shall be installed in such a manner that will prevent direct light from shining onto any public way or adjacent property.

220.3 Parking lots abutting a Residential Compatible District shall be adequately screened from view from said District by trees, hedges, or tight fence.

Section 221. Off-Street Loading

On the same premises with every building where goods are received or shipped, which is newly erected or increased by units or dimensions after the date of adoption of this By-Law, adequate loading areas shall be provided. Every part of said loading area shall be located completely off the street and in side or rear yard.

Section 222. Prior Right

Construction approved prior to enactment of the By-Law shall not require any change in plans, construction or designated use of a building or structure for which a building permit has been issued and the construction of which shall have been

diligently prosecuted within six months of the date of such permit, and which the entire building shall be completed according to such plans as filed within two years from the date of enactment of this By-Law.

Section 223. Expansion Restrictions

A building or structure which is non-conforming within the requirements of this By-Law shall not expand the structure or use in either size or intensity of use.

Section 224. Neighborhood Business District Heights

In a NBD no building shall be erected or altered to exceed 2.5 stories in height.

224.1 Height Exceptions - Chimneys, elevators, poles, spires, tanks, towers and other projections not used for human occupancy may extend a reasonable height above the height limits herein fixed, subject to the approval of the Board of Selectmen or an inspector who may be appointed by them.

Section 225. Sign Regulations

General - No sign shall be attached or otherwise installed on any property without special permit from the Board of Appeals, unless otherwise specified. The Board shall make its decisions in conformity with the restrictions and regulations hereinafter described:

225.1 Procedure - Written application to the Building Inspector shall be made for the installation of all signs, whether a permit is required from the Board or not. The application shall give all information as to compliance with the specification standards, and no business sign shall be erected and thereafter maintained until such a permit is in force. Each application shall be accompanied by a fee specified by the Board of Selectmen, to be paid to the Inspector for the use of the Town.

225.2 Restrictions and Regulations - The following regulations and restrictions shall apply to all signs:

225.2.1 No swinging or projecting sign, signpost, flagstaff or other structure advertising a business or occupation or for other use, excepting canvas or cloth awnings or spotlights for externally lighted signs, shall hereafter be erected or maintained extending over and beyond the street line or beyond the building line as now or hereafter established, and no permit for any such sign shall be issued.

225.2.2 Only such signs shall be permitted as indicate type of business, goods, or services offered and/or name of occupant, and the total area of which shall be determined by the specification in Section 223.2.7; and such signs that indicate direction and/or cautionary matter, and the total area of which does not exceed 3 square feet per sign.

225.2.3 Number of signs which indicate type of business, name of occupant, goods and services offered by the occupant, shall be limited to one (1) sign on each side of the building which is in view of a public way or a parking area.

diligently prosecuted within six months of the date of such permit, and which the entire building shall be completed according to such plans as filed within two years from the date of enactment of this By-Law.

Section 223. Non-Conforming Uses

Any lawful building or structure, or use of a lawful building, structure or land, or part thereof; existing at the time of adoption of this By-law, or existing at the time of an amendment to this By-law, which does not conform to the regulations thereof; may be continued as a non-conforming use, subject to the provisions of 223.1 through 223.6 inclusive.

223.1 Discontinuance - Any non-conforming use which has been discontinued for more than two years, except non-conforming buildings, structures or land used primarily for agriculture, floriculture or horticulture which has been discontinued for more than five years shall not be re-established and future use shall conform to the current regulations of this By-law.

223.2 Restoration - A non-conforming use which has been damaged or destroyed may be rebuilt or repaired, but the restoration shall not exceed the original area or height and shall not be located nearer the way, and used as before; provided, however, such restoration is substantially completed within two years, except five years, for non-conforming buildings, structures or land used primarily for agriculture, horticulture or floriculture, of the date of damage or destruction. A non-conforming use may be maintained against ordinary wear.

223.3 Change of Use - A non-conforming use shall not be changed to a substantially different use except a conforming use. A change of use shall require a Special Permit for Exception from the Board of Appeals.

223.4 Limitation on Intensity and Size - Except a dwelling or accessory use on a non-conforming lot, a non-conforming use, shall not be expanded in size or intensity of use without a Special Permit for Exception from the Board of Appeals.

223.5 Alteration - Except a dwelling or accessory use on a non-conforming lot, a non-conforming use, shall not be altered, reconstructed, extended or structurally changed without a Special Permit for Exception from the Board of Appeals.

223.6 Special Permits for Exception - The Board of Appeals may issue Special Permits for Exception under this section if it finds that the expansion of intensity or size does not exceed ten percent total, except in the case of non-conforming buildings, structures, or land used primarily for agriculture, floriculture or horticulture, during the entire duration of a non-conforming use, or such other percentage as the Board of Appeals deems appropriate, or that any change of use is not substantially different, or any alteration, reconstruction, extension or structural change except as the same

may apply to non-conforming buildings, structures or land used primarily for horticulture, agriculture or floriculture, does not unduly prolong the life of any non-conforming use, or that any proposed use is not injurious or offensive to the neighborhood, or does not adversely affect the Health, Welfare (financial or otherwise) or Safety of the inhabitants of the Town of Duxbury and with conditions and restrictions the Board of Health deems appropriate.

Section 224. Neighborhood Business District Heights

In a NBD no building shall be erected or altered to exceed 2.5 stories in height.

224.1 Height Exceptions - Chimneys, elevators, poles, spires, tanks, towers and other projections not used for human occupancy may extend a reasonable height above the height limits herein fixed, subject to the approval of the Board of Selectmen or an inspector who may be appointed by them.

Section 225. Sign Regulations

General - No sign shall be attached or otherwise installed on any property without special permit from the Board of Appeals, unless otherwise specified. The Board shall make its decisions in conformity with the restrictions and regulations hereinafter described:

225.1 Procedure - Written application to the Building Inspector shall be made for the installation of all signs, whether a permit is required from the Board or not. The application shall give all information as to compliance with the specification standards, and no business sign shall be erected and thereafter maintained until such a permit is in force. Each application shall be accompanied by a fee specified by the Board of Selectmen, to be paid to the Inspector for the use of the Town.

225.2 Restrictions and Regulations - The following regulations and restrictions shall apply to all signs:

225.2.1 No swinging or projecting sign, signpost, flagstaff or other structure advertising a business or occupation or for other use, excepting canvas or cloth awnings or spotlights for externally lighted signs, shall hereafter be erected or maintained extending over and beyond the street line or beyond the building line as now or hereafter established, and no permit for any such sign shall be issued.

225.2.2 Only such signs shall be permitted as indicate type of business, goods, or services offered and/or name of occupant, and the total area of which shall be determined by the specification in Section 223.2.7; and such signs that indicate direction and/or cautionary matter, and the total area of which does not exceed 3 square feet per sign.

225.2.3 Number of signs which indicate type of business, name of occupant, goods and services offered by the occupant, shall be limited to one (1) sign on each side of the building which is in view of a public way or a parking area.

225.2.4 All signs with the exception, where necessary, of directional and cautionary signs, and of permitted free-standing signs, shall be attached flush to the wall of occupant's building by a means deemed appropriate by the Building Inspector.

225.2.5 Where a flush sign is not deemed adequately visible from a public way or parking area, a permit may be granted for the erection of one (1) free-standing sign of not more than two (2) faces. Such permit shall be considered as the granting of a variance, and shall be bound by whatever restrictions, as to design, illumination, construction and size, as the Board of Appeals may apply. In no case shall such sign rise to a total height of more than 12 feet, be other than stationary, or exceed 25 square feet in area.

225.2.6 No sign shall extend above the roof line of the building to which it is fastened.

225.2.7 The aggregate area of all signs pertaining to all business conducted on a given premises other than any free standing sign granted as a variance, shall not exceed 25 square feet; and such signs shall not exceed 20 inches in vertical dimensions and 15 feet in horizontal dimensions. When one line of letters is used, the letters may not exceed 14 inches in vertical dimension. A circular sign may not have a total area in excess of 12.5 square feet.

225.2.8 No electrically or other powered sign shall blink or flash, in whole or in part, or do other than give a consistently steady white light.

225.2.9 All signs, whether internally or externally lighted shall be lighted only during those hours the occupant is open for business.

225.2.10 No sign now maintained without conformity to these regulations shall be in any way altered by painting, lighting or other manner which shall change the construction, design, wording or structure of such signs as the same exists at the time of the adoption of these regulations.

225.2.11 No non-conforming signs shall be continued and maintained if the ownership or occupancy of the place of business which such signs advertise shall change subsequent to the date of the adoption of these regulations. If lighting is to be provided, the source of light shall be so arranged and shielded as to prevent direct glare from the light source into any public way or onto adjacent property.

ARTICLE 300

DEFINITION OF TERMS

Section 301. Terms Related to Government

301.1 Town - Town of Duxbury

301.2 Board of Appeals - Board of Appeal of the Town of Duxbury

301.3 Planning Board - Planning Board of the Town of Duxbury.

Section 302. Terms Relating to Procedure

302.1 Preliminary Qualifications - The determination of the suitability of a site, landowner, developer, and conditions for the submission of a Planned Development Plan or Residential Cluster Plan.

302.2 Site Analysis - The determination of the use intensity, restricted development areas, public improvements and protected areas for a Planned Development or Residential Cluster.

302.3 Tentative Plan - An application for a special exception for a Planned Development or Residential Cluster Development under this By-Law including all the material required for a Planned Development or Residential Cluster Plan on an approved site sufficient to satisfy Plan Submission Requirements (Article 500) which shall entitle the applicant to submit a definitive plan.

Section 303. Terms Relating to Design Ratios

These definitions include words and phrases used in this By-Law to describe ratios used in the design review of a Planned Development or a Residential Cluster Development in an application for a special exception permit.

303.1 Coverage Ratio - The average maximum proportion of impervious (building paving) ground coverage permitted per acre of land in a Planned Development or Residential Cluster Development.

303.2 Non-Residential Parking Ratio - The minimum number of parking spaces required per each 1,000 square feet of non-residential building area.

303.3 Common Open Space Ratio - The average minimum square feet of open space required per resident in a Planned Development or Residential Cluster.

303.4 Parking Perimeter Radius - The maximum distance from a principal entrance in which the required number of parking spaces shall be located.

303.5 Yard - The minimum width of open space required adjacent to a building when provided.

Section 304. Terms Relating to Use Types

These definitions include words and phrases used to describe types of uses.

304.1 Attached Buildings - Units connected on both sides to an adjacent unit by a common party wall with separate exterior entrance for each unit.

304.2 Semi-Detached Buildings - Units connected on one side by a common or party wall with separate exterior entrance for each unit.

304.3 Multi-Family Buildings - Three or more residential units within a building with units sharing exterior entrance.

304.4 Non-Residential Uses - Uses other than residential intended to be utilized in conformance with an approved Planned Development Plan.

304.5 Open Space - Land area which is not covered by impervious material.

304.6 Common Open Space - A deed restricted parcel or parcels of land or an area of water, or a combination of land and water within the site, designed and intended for the use and enjoyment of the residents, exclusive of rear, side and front yards.

304.7 Detached Building - A unit which stands alone, and has no party walls, or walls in common with an adjacent building.

304.8 Home Occupation - The use of a residence by a person in a general professional capacity, such as a doctor, lawyer, surgeon, dentist, architect, engineer, surveyor, real estate or insurance broker, who is a bonafide resident of said dwelling for the practice of his occupation and does not occupy more than 25 per cent of the building's total floor area.

304.9 Use Intensity - The maximum number of housing business and industrial units per acre overall or that portion of the site allocated for that purpose.

Section 305. Other Terms of General Applicability

These definitions include words and phrases used generally within this By-Law.

305.1 Applicant - The person submitting any application under the provisions of this By-Law. Where the word person includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.

305.2 Developer - The person, persons, corporation, firm or partnership who shall be responsible for the development of land and/or structure or is charged with the execution of a Planned Development and/or Residential Cluster Development under this By-Law.

305.3 Development Schedule - A program extending over the period of development during which the annual number of housing business and industrial units and mandatory improvements required by the By-Law are to be constructed.

305.4 Findings - A written report of a decision reached by a reviewing agency as required by this By-Law.

305.5 Informal Hearing - Any scheduled meeting not advertised as a public hearing of the reviewing agency(s) at which time the applicant may submit material.

305.6 Home Owner's Association - An approved, incorporated organization composed of all resident owners in a Planned Development or Residential Cluster Development under an approved form responsible for owning and maintaining common property.

305.7 Housing Unit - One dwelling of any type.

305.8 Landowner - As applied to real estate, the person holding the ultimate fee simple title to a parcel, tract or lot of land, as shown by the record in the Registry of Deeds and the Registry of Probate of the County of Plymouth.

305.9 Land Improvement - An improvement involving the allocation of certain lands and/or buildings for utilization by the public.

305.10 Plan - A graphic description with information required by various sections of this By-Law.

305.11 Planned Development - Residential Cluster Development A plan under this By-Law for a number of dwelling units and accessory uses which need not comply with standard zoning and subdivision regulations, but is in conformance with pre-qualification and site analysis requirements and processed through the Special Exception Procedures (Articles 400, 500, 700 and 800) and approved as a special exception permit by the Board of Appeals.

305.12 Report - A written description with information required by various sections of this By-Law.

305.13 Supplemental Review - A request of the applicant to the reviewing agency who is required to reappraise the findings of the reviewing agency when additional information is introduced. This request may include an extension of time for the reviewing agency.

305.14 Reviewing Agency - The Board of Appeals or a governing body designated by the Board of Appeals or other public agency charged under various sections of this By-Law will review applications as detailed in Section 800.

305.15 Improvement Schedule - A program extending over the period of a proposed development during which certain improvements agreed upon by the developer and the reviewing agency are to be installed by the developer.

305.16 Site - A land area submitted for development be it residential, commercial, planned or cluster development.

305.17 Local Street - A way designed to be used primarily to provide access to abutting properties.

305.18 Feeder Street - A way which, in addition to providing access to abutting properties, intercepts local streets to provide a route serving 50 or more dwelling units, to give access to community facilities and/or other collectors and major streets.

305.19 Wetlands and Watershed District - Those lands as defined by the Wetland and Watershed Protection District and Map dated March 13, 1971.

Section 306. Terms Relating to Common Open Space

306.1 Residents Associations - Common deed restricted open space may be held in fee, improved and maintained by an organization created by means of a home-owner or condominium association. Such an organization shall include provisions for compulsory membership for all residents based upon the ownership or long-term lease of housing units. Voting rights shall be distributed on an equitable basis. The organization shall have a structure to permit effective participation of the residents. Fees for the preservation improvement and maintenance of the common open space shall be stated with adequate provision for collection. Additional activities may be assigned to the association provided that the powers are clearly and sufficiently stated in the by-laws of the organization.

306.2 Trust Agreement - A trustee may be appointed to hold in fee, improve and maintain common open space in trust for a specified term of years for a stated beneficiary. The trustee shall be specified in the document filed with the Town by the developer. At the completion of construction the owners of the housing units shall have the right to terminate the trustee while retaining the trust. The rights of the beneficiary shall be specified. Maximum fees related to the cost of living index for the preservation, improvement and maintenance of the common open space shall be stated with adequate provision for collection. A trust agreement may be employed in combination with a residents association.

306.3 Public Donations - Common open space may be donated by a perpetual conservation or preservation restriction. Costs for preservation improvement and maintenance of the common open space shall be borne by those who have the use of the facilities. Under the General Laws of the Commonwealth common open space may also be donated to a Conservation Commission or public or private charitable organization whose purposes include acquisition of land for open space purposes.

306.4 Common Easement - Common open space may be provided by means of common easement specifying the use of certain property for a defined class or group residing within the immediate vicinity. Deed restrictions as finally approved and recorded shall be filed with the Plymouth County Registry of Deeds. Costs of preservation, improvement and maintenance shall be the responsibility of the owners of the property; however, an association of residents may be created to assess charges on an equitable basis.

Section 307. General Terms

307.1 Buffer - An open space, landscaped strip, earth mounds or natural woodlands utilized to separate uses or to separate a Planned Development and/or Cluster Development site from all boundary uses.

307.2 Setback - An open space of specified dimension(s) extending from the property line to the building line. Setback areas may be utilized for paving, landscaping and community utilities.

307.3 Height - The vertical distance measured from the highest point of a structure to the mean finished grade.

307.4 Use Restriction - The qualifications placed upon any or all parts of a site which shall define the uses permitted on the land.

307.5 Guest House - A single family dwelling in which rooms are rented by the person resident therein to persons occupying such rooms for the night or for longer periods.

307.6 Farm - Any tract of land(s) used for the production of crops or the rearing of animals or livestock.

307.7 Hall - A room or building appropriated to the meetings of a fraternal, literary or other incorporated society.

307.8 Lot - A parcel of land on which a principal building and its accessories may be or are placed together with the required open space.

307.9 Projections - Shall mean cornices, eaves, gutters outside chimneys, belted courses, steps, stoops, bay windows and terrace.

307.10 Way - A passage, street, road or bridge, public or private set aside or used as a throughfare.

307.11 Story - That part of a building above the basement or cellar and between the top of any tier of floor beams and the top of the tier of floor or roof beams next above.

307.12 Authorized By or Approved By - Utilized by the Board of Appeals when a special permit has been granted for an exception to the terms of the By-Law, in harmony with its general purposes and intent and subject to appropriate conditions and safeguards.

307.13 Interested Party - Any person(s) who holds interest in a property abutting a site or 500 feet from the lot in question, whichever distance is greater, considered for a special exception or any person or group of persons who has annually filed notice with the Town Clerk requesting notification of public hearing regarding any special exception, variance or amendment to the By-Law.

ARTICLE 400

PLANNED DEVELOPMENT AND RESIDENTIAL CLUSTER SPECIAL EXCEPTION

Section 401. Purpose

The Town of Duxbury through its Comprehensive Plan has established certain planning goals. In order to accomplish these goals the Town has adopted certain legislative procedures. It is also understood that certain planning objectives are not capable of being legislated into effect but may occur through an equitable and prescribed negotiation process, under which reasonable community improvements, the need for which is created by the impacts of development, will be paid for by the developer through increased rateables. The Town may in return accept, within prescribed limits, higher than minimum densities of land utilization as related to and controlled by available service capacities and planning standards as set forth in this By-Law.

Section 402. Requirements and Procedures

The Town of Duxbury may require certain documentation to be submitted, performance standards established, and procedures met before a Planned Development or Residential Cluster Development shall be granted a special permit for exception. To assist developers and applicants in these procedures, the Town will provide access to certain data necessary for review.

Section 403. Site and Environmental Analysis Criteria

Each site shall be evaluated on the basis of information submitted by the applicant and by information maintained by the Town of Duxbury.

403.1 Information to be Maintained by the Town - Graphic

403.1.1 Map(s) showing the conservation areas of the Town defining the wetlands and public lands.

403.1.2 Map(s) showing the slopes, hydrologic soil groups, and vegetation/cover including definition of prime timber stands (coniferous or deciduous).

403.1.3 Map(s) showing an analysis of prime areas of visual impact.

403.1.4 Map(s) showing the Town water system including individual pipes by size and location, source of water, and storage facilities.

403.1.5 Map(s) showing the traffic circulation patterns, including road classification, peak hour (AM and PM) traffic, and accident data to nearest two (2) year period.

403.1.6 Map(s) showing the existing land use including all historic sites to nearest two (2) year period.

403.1.7 Map(s) showing Town zoning and comprehensive plan.

403.2 Information to be Maintained by the Town - Report

403.2.1 Projected occupancy per unit type - indicates the number of persons by type of unit.

403.2.2 Projected school age children based on present generation by different types of units.

403.2.3 Projected peak hours vehicular traffic generated by types of units.

403.2.4 Projected septic output by unit type (gal/day/unit)

403.2.5 Projected water demand by unit type (gal/day/unit)

403.2.6 Required number of parking spaces per unit type.

403.2.7 Present capacity of the school system, the capital and operating cost per student to provide educational facilities and programs current operating income generated by real estate taxes, and current number of children presently attending schools.

403.2.8 Current assessed valuation of all Town's property, the current millage rate, dollars generated for municipal services and total number of municipal residents.

Section 404. Preliminary Qualifications

The applicant shall prepare and submit the following information, which is designed to provide a basis for an initial review concerning the property developer and ownership requirements, at least ten (10) days before a regularly scheduled meeting.

404.1 Submission Standards - Reports shall be spiral or three-ring looseleaf bound and submitted on 8-1/2" x 11" size paper, vertical format. The scale of maps shall be at least 1 inch to 200 feet. Maps for sites less than 50 acres shall be at least 1 inch to 100 feet.

404.2 Site Information - The following information shall be submitted: location of site, size of the site, utilization of land adjacent to the site, and if applicable, the existing buildings and natural characteristics on the site.

404.3 Existing Buildings and Adjacent Uses - If the developer contemplates the retention of existing buildings or extension of facilities or utilities serving adjacent uses, these facts shall be further documented.

404.4 Developer Information - The following information shall be submitted:

404.4.1 Ownership - The developer shall have a property interest in the site which shall consist of a fee simple title, or an option to acquire a fee simple title within a specified time period, or a leasehold interest in excess of 30 years, or a substantial interest in a joint venture agreement, real estate investment trust or other real estate syndication which has or can obtain a fee simple title, or a marketable title subject to certain restraint which will not substantially restrict its development within a reasonable time.

404.4.2 Existing Mortgages, Liens and Judgments - All mortgages including purchase money mortgages, all easements restricting land use, all liens, and all judgments which may affect the site shall be identified. The developer shall propose a method to the reviewing agency, of notifying where necessary all affected parties of his intention to submit a Tentative Plan for a Planned Development or a Residential Cluster Development.

404.5 Development Information - Sufficient information shall be submitted to the reviewing agency.

404.5.1 Non-residential land uses by type in acres.

404.5.2 Construction Type and Mix - The developer shall submit preliminary information as to the type of construction proposed and the projected mix of housing units by type. All construction shall be capable of conforming to existing building and housing codes. Unusual procedures by which conformance shall be determined shall be specified at this time.

404.5.3 Proposed Development Schedule - The developer shall submit a projected development schedule to include the number of housing and business or industrial units to be constructed and the duration of the building time. These estimates shall be in accordance with any existing development estimate based upon projected demand and service capabilities and accepted by the reviewing agency to guide development growth.

404.5.4 Road and Utility Tie-Ins - The developer shall state which roads and utility lines shall connect into the proposed development. All public and private roads and utilities must be determined to have the existing capacity to absorb the amount of development which is projected for development.

Section 405. Site Analysis

The applicant shall prepare and submit the following information concerning a proposed development site to the reviewing agency at least ten (10) days before a regularly scheduled meeting.

405.1 Submission Standards - Reports shall be spiral or three-ring looseleaf bound and submitted on 8-1/2" x 11" size paper vertical format. The scale of maps shall be at least 1" to 200 feet. Maps for sites less than 50 acres shall be at least 1" to 100 feet.

405.2 Submission Requirements - The developer shall submit the following information concerning a proposed development site to the reviewing agency at least 10 days prior to a regularly scheduled meeting.

405.2.1 All material and findings submitted under Section 404 to include new non-residential uses, the proposed number of residential units, the mix of unit types and the estimated assessed value of each.

405.2.2 A topographical map of the site at minimum of 10 foot intervals.

405.2.3 A soils map based on data maintained by the Town (Section 403.1.2).

405.2.4 A vegetation and special features map showing all woodlands and significant individual or group tree masses, rock outcroppings, existing buildings, roads and trails flowing streams, drainage ways and ponds.

405.2.5 A map of the neighborhood showing the site in relationship to the surrounding community to include all areas included in the Planned Development Plan and/or Residential Cluster Development. This display should indicate all proposed points of interconnecting access to existing roads, storm sewer interceptors, public water lines, and access to local schools, recreation and community facilities and public lands. A report should provide information regarding the present use and design capacities of existing roads and other service systems at the points of intersection or use. Such data shall include 24 hour ADT counts or peak hour traffic counts, calculations of existing storm water runoffs in a fifteen (15) year storm, estimate the present available water pressure rates.

405.2.6 A sketch plan showing the general location, type and number of units in residential structures, general location and type of non-residential structures, general location and size of common open space, and location of ways.

Section 406. Tentative Plan

This portion of the By-Law is designed to state the submission requirements for a Tentative Plan. A distinction is made between graphic and report submission.

406.1 Inclusions - All prequalifications and site analysis requirements shall be included with the Tentative Plan application. Any review or findings may also be included as defined under the applicable provisions of Section 409.

406.2 Submission Standards - Reports shall be spiral or three-ring looseleaf bound submitted on 8-1/2" by 11" vertical format paper. The scale of maps shall be at least 1" to 200 feet. Maps for sites less than 50 acres shall be at least 1" to 100 feet. The number of maps and reports to be submitted shall be specified by the reviewing agent in the pre-qualification and site analysis review stages but shall not exceed 25. All maps shall be reduced and included in the applicable reports. One (1) transparent mylar copy of the final Tentative Plans, should they be approved, shall be filed with the Board of Appeals or its agency within 60 days of such approval.

406.3 Tentative Plan - Graphic Submissions

406.3.1 Regional Location Map - The site shall be identified showing its interrelationship with the community. The graphic scale shall be 1" to 800 feet. This exhibit shall identify the name and location or the distance in road miles to the following facilities servicing the site:

Elementary school(s)
Secondary school(s)
Fire Company
Police Station
Arterial and limited access highways
Recreational areas
Shopping areas
Industrial areas
Public transportation routes and major stations
Churches and public buildings.

The names of all property owners (from the most recent tax list) within 500 feet of the development site shall be shown on the map attached thereto.

406.3.2 Land Classification Map - All lands within the site shall be illustrated by the appropriate category as determined by Section 403.1. The acreage and appropriate proportion of the total site represented by each category shall be stated in the map legend.

406.3.3 Land Evaluation - The natural limitations on land development shall be summarized to include the following analysis relating to development proposals:

Slopes - building and way location, and drainage system;
Vegetation and Special Features - plan integration;
Soil Quality - relation to utilities provided and building precautions.

Each of the natural limitation categories affecting the site shall be discussed showing how these factors were incorporated in the development plan. Where public funds for housing are to be used, an A-95 Environmental Impact Study shall be filed.

406.3.4 Road and Parking Map - All roads and parking areas shall be identified. The following information pertaining to roads shall be shown:

Rights-of-way widths for dedicated roads
Street widths for all roads for motor vehicular use
Location of paved paths or bikeways
Location and definition of trash removal system
Location and definition of industrial and commercial delivery areas and systems
Identification by function of, limited access highway, distribution loops, feeder streets and local streets
Cross section on the map for each category and in the report including: typical cul-de-sac turnaround, divided roadway and major intersections involving turning lanes or rotary flow.

The following information pertaining to parking areas shall be shown:

- Paved areas for all parking compounds
- Landscape areas contained within parking areas
- Service estimates which show the number of residential units or gross flow area and the number of spaces for each area.
- Cross-section on the map legend showing dimensions for a typical parking space and access road(s) indicating type of parking stop, bollard or curb to be installed.

406.3.5 Utilities Map - The following information pertaining to utilities shall be shown:

- Location of individual sewage disposal system
- Location of common sewage treatment facilities of whatever kind
- Location of major water distribution facilities and fire hydrants
- Location of all existing and proposed pipelines and transmission lines showing easements
- Location of any form of water treatment or distributing facility other than lines and fire hydrants
- Cross-section of typical common service trench showing easement dimensions and placement of utility on map
- General distribution systems plan(s) for gas, electric, telephone and cable TV as applicable.

406.3.6 Open Space and Community Facilities Map - The following information shall be shown:

- All land dedicated or deed restricted, for public or common use showing major trails, area acreage and proposed use
- Location of all playfields, tot-lots, or other recreational facility indicating type and general area of concentrated use
- Location of all buildings intended for community, school, religious or institutional use indicating approximate building coverage in square feet
- Location of all existing buildings, historical areas, scenic areas to be preserved
- Listing on the map legend of the number by type of these community facilities or other optional facilities:
  1) Ballfields (baseball, football, soccer)
  2) Basketball and tennis courts
  3) Park pavillion and/or shelter
  4) Picnic grounds
  5) Ponds and/or lakes
  6) Swimming and/or wading pools, and
  7) Tot-lots.

406.3.7 Land Coverage and Drainage Map - All areas of the site to be covered by paving or building roofs shall be identified with the amount of area in square feet; and, the proportion of each as related to the total site shall be indicated on the map legend, and broken down by watershed as existing on and off-site prior to proposed development.

All areas of the site in which the natural vegetative cover, will be altered shall be identified and the proportion by type of change shall be identified with the amount of area in acres and the proportion of each as related to the total site shall be indicated on the map legend.

All drainage areas which occupy 5% or more of the site shall be identified with the amount of area in acres and the proportion of each as related to the total site shall be indicated on the map legend.

All natural drainage swales, all streams and their off-site watershed shall be identified with the maximum area shown to be covered by water resulting from a rainfall of 15 and 100 year storms.

All improvements including retention basins, pond, culverts, dams, storm water pipes in excess of 6-inches shall be located by type.

406.3.8 Land Use Map - The following information shall be shown:

Number and location of single family detached units
Number and location of single family semi-detached or attached units
Number and location of multi-family units by type
Location of retail and local service establishments
Location of service businesses - auto sales and service, sale of building materials, etc.
Location of certain specific types of business establishments, e.g. hotels, motels and similar facilities for guest accomodations
Location of certain establishments, e.g. light manufacturing, fabricating, research and development activities, etc.

406.4 Tentative Plan - Report Submissions

406.4.1 Land Evaluation Report - The natural limitation on land development shall be summarized in maps and text, with analysis relating to development proposals:

Slopes - as related to building and road location
Vegetation and Special Features - as related to plan integration
Soil Quality - as related to utilities provided and building precautions.

Each of the natural limitation categories affecting the site shall be discussed and illustrated showing how these factors and

corresponding covenants were incorporated in the development plan. Where public funds for housing are to be used an A-95 Environmental Impact Statement shall be included.

406.4.2 Population and Economic Impact Evaluation - These factors shall be summarized in text, with an analysis relating to the development proposals.

Population Characteristics - Included shall be:
- Projected total population
- Projected population of each section
- Age group estimates 0-4, 5-13, 14-18, 19-35, 36-50, 51-65, 65 plus
- Projected population by dwelling unit type
- Family projections (head of household, wife, childred under 18)

Economic Characteristics - Included shall be:
- Projected work force
- Probable employment by location
- Estimated disposable family income
- Probable retail shopping by location
- Projected permanent jobs created by development.

This report shall contain an analysis indicating the projected marketability of the development in respect to effective demand specifically relating the site to the Town. A public and/or subsidized housing shall be identified to include an explanation of the assistance program and the number of units effected.

406.4.3 Traffic Impact Evaluation - This report shall be summarized in text with an analysis relating to the development proposals:

- The projected number of motor vehicular trips to enter or depart the site shall be estimated for an average day and peak hour.
- The projected traffic flow patterns shall be described and related to the Road and Parking Map including vehicular movements at all major existing and proposed intersections.
- The impact of this traffic upon existing streets shall be evaluated in relation to road capacities using both current and redesign criteria.
- This report shall contain an analysis of the proposed improvements to all roads specifying right-of-ways and cartways widths, and an explanation of typical road construction showing base and sub-base. The clear sight triangle dimensions of all major intersections shall be specified.

406.4.4 Utilities Impact Evaluation - The probable impact from utility needs shall be determined and shall include:

- The septic tank capacity shall be shown at 150% of the estimated sewage flow with a minimum size of 1,000 gallons.
- The estimated impact of water demands upon existing service facilities shall be evaluated in relation to defined Sewage Disposal and Public Water Capacities (Section 403.1).

The estimated daily and peak hour volume of public water.

This report shall contain an analysis of provisions for gas, electricity, telephone, mail service, and refuse storage and collection. Construction processes shall be specified to include common trenches where feasible.

406.4.5 Drainage Impact Evaluation - The probable impact resulting from the flow of storm water shall be determined including:

The projected maximum volumes at the collecting point for each drainage basin shall be caluclated for 15 and 100 year storms.

The estimated impact of storm water upon existing service facilities shall be evaluated in relation to existing Storm Water Capacities.

This report shall contain an analysis of all improvements including off-site conditions to facilitate the flow of storm water which are included in the Land Coverage and Drainage Map. Construction processes shall be specified for systems.

406.4.6 Common Open Space Analysis - The probable utilization of the common open space in the development shall be discussed including:

Computation of the amount of land reserved for common open space sub-classified by type of use.
Explanation of the improvements specified in the Open Space and Community Facilities Map with relationship to their intended use.

This report shall contain an explanation of how the common open space shall be maintained including an estimate of additional charges or costs to be paid by each housing unit. The method by which citizen participation is provided in the maintenance of these facilities shall be specified. All improvements, to be placed as fixtures upon the land shall be described. A statement of conformance or lack thereof to the requirements of Design Ratios (Section 507) and Common Open Space (Section 507.2) shall be included.

406.4.7 Schedule Report - If the development of the site will take place over more than one year, the developer shall supply a schedule showing how the development shall be staged in respect to construction. This report shall contain the following information:

The construction of any public improvements shall be specified explaining how these improvements are to be integrated with the development.
The number of housing units and the amount of square footage of non-residential uses to be constructed each year and their estimated value shall be specified.
The manner by which protection shall be provided to the Town to assure construction of specified improvements shall be stated.
Finished grades for all roads at 2-foot intervals and low points and high points.

Section 408. Evaluation Standards and Methods

408.1 Land Classification - Each site shall be evaluated on the basis of its zoning classification (Section 201) natural determinants and municipal impacts.

408.2 Service Capacities - Each site shall be evaluated to determine the capacities of the following municipal or natural services. The basis for all site evaluations at any stage of submission is to determine the individual and overall impact of any proposal on the capacity of existing systems within the Town so as to assure the protection of the public health, safety and welfare by measuring these capacities.

408.2.1 Road Capacities - The findings of the reviewing body shall specify the allowable maximum use intensity based on road capacity applicable to the site. The closest major intersection of all public roads to be used by the development shall be evaluated to determine: 1) present traffic usage; 2) projected traffic usage; 3) effective design capacity; 4) improvements proposed to increase capacity; 5) redesign capacity; and 6) other non-intersection problems affecting road capacity. In the event that the site is located in such a manner as to generate traffic to more than five (5) intersections, intersection elevations shall be limited to the five (5) most heavily utilized or most significant in relation to capacity versus proposed use. Included in the findings shall be an estimated cost of improvements proposed.

408.2.2 Septic Disposal - All sewage disposal installation shall be in accordance with Massachusetts Department of Public Health, Sanitary Code, Article XI. The findings of the reviewing agency, shall specify the allowable maximum use intensity based on sewage disposal capacity applicable to the site and shall be related to the natural tendency of the site and neighborhood soils and underlying geology to be polluted. Special attention shall be given to major aquifer - recharge and storage areas based on existing data.

408.2.3 Public Water Capacities - The findings of the reviewing agency shall specify the allowable maximum use intensity within the findings based on the public water capacity applicable on the site. All existing water lines shall be evaluated at the point of intersection to determine: 1) present line size; 2) estimated peak hour capacity; 3) present peak hour utilization; and 4) other problems affecting water capacity. In the event that the site is located in such a manner as to provide connections to more than one (1) water line, the required data shall be determined for each. Included in the findings shall be the redesign capacity and the necessary improvements including an estimate of costs. The potential effect of the sight design in relation to surface runoff and ground water recharge of the major town aquifers shall be carefully examined and evaluated relative to existing data.

408.2.4 Storm Water Drainage Capacity - The findings of the reviewing agency with recommendation from the Drainage Committee, shall specify the allowable maximum use intensity based on storm water run off capacity applicable to the site. All existing facilities to accommodate the flow of storm water shall be evaluated at the point of proposed discharge to determine: 1) present line size on storm channel; 2) estimated capacity at flood or back-up stage; 3) alternative drainage possibilities; and 4) improvements to increase capacity. All calculations shall be based on 15 and 100 year storm frequencies. In the event that the site is located in such a manner as to provide connections to more than one drainage basin, the required data shall be determined for each. Included in the findings, shall be the redesign capacity and the necessary improvements, including an estimate of costs. The relationship of these findings and the proposal to existing wetland areas and floodplains shall be clearly delineated and estimates of potential increase of flood area be estimated.

Section 409. Findings

The reviewing agency shall produce a written report responding to the developer submissions. This report shall review the following where applicable:

409.1 Pre-Qualification and Site Analysis

409.1.1 Eligibility of the site

409.1.2 Suitability of the developer

409.1.3 Municipal determination of initial suitability for submission.

409.2 Site Analysis and Tentative Plan

409.2.1 Allowable use intensity range

409.2.2 Classification of land

409.2.3 Road capacities

409.2.4 Septic capacities

409.2.5 Public water capacities

409.2.6 Storm water capacities

409.2.7 Improvement schedule

409.2.8 Other natural and/or municipal system capacities

409.3 Tentative Plan

409.3.1 The Board of Appeals shall make findings within sixty (60) days of the filing of complete documentation required by the Tentative Plan.

409.3.2 Review shall include:

Extent of relationship to the Comprehensive Plan
Extent of departure from existing ordinances
Adequacy of recognition of existing municipal systems
Adequacy of the open space provisions
Adequacy of recognition of existing natural systems
Adequacy of the provisions for public services

Satisfaction of the relationship with the surrounding neighborhoods
Satisfaction of the improvement and development schedule.

Section 410. Use Intensity Ranges

The permissible density of any site is related to the findings (Section 409) and land classification, service capacities (Section 408) and based on the Town of Duxbury's Comprehensive Plan.

ARTICLE 500

STANDARD AND MUNICIPAL REGULATIONS FOR SPECIAL EXCEPTION IN PLANNED DEVELOPMENT AND RESIDENTIAL CLUSTER DISTRICTS

Section 501. Purpose

This section of the By-Law is designed to establish standards by which a Tentative Plan may be reviewed. By so doing, guidelines are stated under which considerable design flexibility can be exercised while providing a basis for evaluating a plan. Further, general municipal regulations affecting the improvements of a site are identified establishing a basis by which modifications to those may be substantiated.

Section 502. Standards

502.1 Undevelopable Land - Determination - Certain lands shall be classified as undevelopable under Section 202.1 and specifically located on the site upon the Land Restrictions Map (Sections 406.3.2 and 403.1). Such lands with the exception of Town owned lands may be counted in the allowable development use intensity and may be utilized for open space and/or common open space as described in Section 202.6.

502.2 Use Restrictions - The Utilization of this land shall be restricted by a deed restriction filed with the Plymouth County Registry of Deeds. It may be further donated by the developer to a homeowners association in fee simple, subject to a trust agreement filed with the Town, donated to the Town of Duxbury, or given to a non-profit corporation.

502.3 Planning Requirements - Access shall be provided to undevelopable lands by means of trails or paths installed by the developer. Only land uses that are inseparable from waterfront locations should occupy them, and even those should be limited to that which doesn't diminish the present or prospective value of surface water for supply, recreation, land use policy for marshes, flood and water storage, wildlife habitat and fish spawning grounds. Land uses that don"t diminish operation of the primary roles of marshes include recreation, cranberry bogs and certain other agricultural uses. Cranberry bogs are a productive and valuable use of land otherwise difficult to use, and as such shall along with associated ponds be included as natural elements in the open space system calculations. Development in floodplains shall be excluded, save for functions which are unharmed by flooding - agricultural, forestry, recreational, institutional open space, and open space for housing. The aquifer, water bearing stratum, is a valuable resource, which should not only be protected, but managed. All precautions shall be undertaken to accomplish these goals. Steep slopes, for reasons of erosion, are unsuitable for development and shall remain in their natural state, when determined to be in the public interest by the Town. No paving shall be located on undevelopable land.

502.3.1 Nature Center Exception - Nature centers requiring the establishment of permanent fixtures designed for use by the public may be installed on undevelopable land provided this use has been indicated on the Open Space and Community Facilities Map and in the reports filed and has been approved by the Town under applicable ordinances. A detailed plan of proposed improvements shall be filed indicating the manner in which the center shall be operated and funded. Suitable fixtures shall be permitted if necessary for proper development of the plan.

Section 503. Community Considerations

The following considerations shall be made in favor of the Town:

503.1 Buffer - An open space buffer of 75 feet shall be preserved along all boundaries of the site. Retained natural woodland shall be preferred landscaping. Grass and mounds shall be approved buffer material provided suitable indigenous shrubs and other plant material are used for screening. Lands used for buffer may be maintained as common open space or as private open space subject to a suitable deed restriction.

503.2 Other Considerations - On sites in which insufficient land is available for a landscaped buffer, fences may be substituted provided the material selected is compatible with the facing of the buildings. Buffer adjacent to roads may be reduced when the surrounding area has been previously developed, provided the existing character of the community is retained. These may be permitted only upon the written recommendation of the reviewing agency.

503.3 Setbacks - Buildings shall be setback from the property line by the buffer zone plus a distance equal to the height of the building. In communities which are presently developed, new buildings may reduce their setback to conform to front yard and rear yard standards of existing buildings. Setback areas may be utilized for paving and non-structural community facilities.

503.4 Building Height - New Buildings located beyond 200 feet of existing buildings shall not exceed 35 feet. New buildings located within 200 feet of existing buildings shall not exceed the roof line plane as increased by an angle of 10 degrees at a point 200 feet from the lot boundary to a maximum of 35 feet of building height. On development sites less than 10 acres, which are located in developed areas, the allowable building heights shall not exceed those shown to be typical of the neighborhood. In no case shall Planned Development residential use types exceed 35 feet in height or 2-1/2 stories. If any part of any floor level is more than four feet above finished grade it shall be considered as one-story.

503.5 Neighborhood Access - No development site shall reduce road access to an existing community. The extension of existing cul-de-sac streets to serve the Planned Development

shall not be permitted; however, they may be completed within the Planned Development and/or Cluster Development, provided no more than 15 housing units are added.

503.6 Building Character - The proposed development shall be designed to retain and reflect certain characteristics of the community in which it is located. Those qualities shall be stated in the Construction Description Report. They shall consist of at least building materials, community facilities, open space, street furniture and architectural design.

Section 504. Residential Buildings

Residential structures shall conform to the following:

504.1 Single Family Housing Units - Single family housing units shall have individual entrances. Each housing unit shall have its own front and rear yard. At least one yard shall be 35 feet in width consisting of landscaped open space. All other spacings shall be at least equal to the average height of the buildings.

504.2 Semi-Detached Buildings - Semi-detached buildings shall be designed around a common party wall. The separation between exterior building walls shall be a minimum of 10 feet if no windows or the building location of the adjacent buildings is changed by a minimum of 80 degrees. All other spacings shall be at least equal to the average height of the buildings. An architectural theme shall be carried out by use of common building materials, color, exterior detailing, bulk and/or roof lines. Rigidity in design shall be avoided by variations in building location, landscaping, planting and building coverage.

504.3 Three and Four Family Housing Units - (Triplex and quadruplex) Three and Four family housing units shall have a common front or rear yard of at least 20 feet in depth. Direct access to a parking compound shall be provided.

504.4 Multi-Family Housing Units - Multi-family housing units shall have a landscaped front yard as determined under Section 503. It is preferred that multi-family housing shall be only one unit deep or through units.

504.5 Attached Buildings - Attached buildings shall have breaks in both the roof line and the front and rear building walls as specified below. Breaks shall be utilized so as to minimize earth moving and removal or impacting, due to cut or fill on adjacent existing vegetation.

504.5.1 Vertical Breaks - A total break footage of 4 vertical feet in minimum increments of 18 inches shall be included in every 160 horizontal building feet or within 3 firewalls.

504.5.2 Horizontal Breaks - A total break footage of 8 horizontal feet in minimum increments of 3 feet shall be included in every 160 horizontal building feet or within 3 fire walls. In addition, angles in the building wall of 22% or more shall be considered equivalent to a 5-foot break. However no structure

shall exceed 160 feet in length. Breaks in walls shall be varied by a change in building texture provided a common architectural theme is carried out by means of consistent exterior detailing, materials and colors.

504.5.3 In any planned development, no dwelling unit in a multi-dwelling unit building shall be designed, constructed or altered to have more than two bedrooms. For the purposes of this provision, each room in excess of three rooms, exclusive of bathrooms, closets or other small service rooms of less than 68 square feet, shall be considered a bedroom. Adjacent enclosed floor areas separated by any common party partition exceeding 4 percent of their common dimension, shall constitute separate rooms.

Section 505. Non-Residential Buildings

Non-residential structures shall conform to the following:

505.1 Commercial - Retail commercial buildings other than approved mixed residential-commercial buildings shall be designed with a parking area and access to a public way separated from that provided for residential development. A common architectural theme shall be reflected in commercial buildings by means of building materials, architectural style, sign controls and/or color coordination. A 75-foot landscaped buffer with indigenous plantings shall be provided adjacent to the residential buildings. In communities which are presently developed fencing may be substituted on the written recommendation of the reviewing agency. A separated pedestrian and/or bikeway access shall be provided. No vehicular entrance to a commercial area shall be within 200 feet of a residential building. No building shall exceed 35 feet in height.

Commercial uses in PD II and III shall be compatible and consistent with the PD residential land uses, the character of the neighborhood and the Town and the needs of the Town.

505.2 Industrial - Industrial buildings shall be situated in a defined section of the development with separate vehicular access to a public road. Parking and loading shall not be shared with commercial or residential uses. A landscaped buffer with plantings, and/or mounding and planting of 100 feet shall be provided adjacent to residential districts. A separate pedestrian and/or bikeways access shall be provided to residential areas located within 200 feet. No industrial use shall create any measurable glare, heat, odor, dust, noise, or physical vibrations perceptible outside the building walls. No vehicular entrance to an industrial site shall be within 400 feet of a residential district. No building shall exceed 35 feet in height.

505.3 Office - Office buildings shall be designed with a parking area and access to a public street separate from that provided for residential buildings. A compatible architectural theme shall be reflected by means of building materials, architectural style and/or color coordination. No lighting system shall create a glare on adjacent residential buildings. No manufacturing or retail sale of goods shall be permitted, except those pertinent to office operations such as newsstands

or cafeteria. No building shall exceed 35 feet or 2-1/2 stories in height.

505.4 Community Facilities - Community facilities involving a building or structural coverage of 3500 square feet or greater, shall have a parking area and access to a public way separate from that provided for residential buildings. A separate pedestrian and/or bikeway access shall be provided to connect with common open space. Lighting shall be designed in such a way so that no glare extends onto residential buildings. Entrances and areas adjacent to residential buildings shall be landscaped with plantings. A compatible architectural theme shall be reflected by means of building materials, architectural style and/or color coordination.

Section 506. Common Open Space

Common open space standards shall reflect the following:

506.1 Location - Common open space shall be distributed to provide immediate access from all sections of the development. The visability of common open space shall be maximized from residential areas. The common open space shall provide a separate pedestrian and/or bikeway access apart from the roadway to interconnect all significant portions of the development.

506.2 Community Facilities - Community facilities shall be located within common open space land or adjacent to it. Use sharing shall be permitted where feasible.

506.3 Land Restriction - Conservation District land exclusive of Town-owned land shall comprise no more than 50% of the required common open space.

506.4 Requirements - Legal requirements pertaining to common open space are defined in Section 306.

Section 507. Design Ratios

Design ratios are intended to provide a guide for the preparation of an application for tentative approval and as a means of evaluation of plans prepared for tentative approval.

507.1 Coverage Ratio - The amount of impervious coverage shall depend on the Land Classification and Evaluation Standards as specified by Sections 201 and 408. Maximum coverage by density shall be defined:

Land Restriction Category	Maximum Allow. Coverage/Site	Maximum Allow. Coverage/Site(Cluster)
Residential Compatibility	15%	10%
Planned Development 1	20%	14%
Planned Development 2	28%	17%
Planned Development 3	35%	20%

507.2 Common Open Space Ratio - The amount of common open space shall depend upon the residential land use category specified by Sections 406.3.2 and 403.1. Minimum common open space required shall be:

Residential Land Use Category	Standard No. Persons Per Unit	Minimum Square Feet Common Open Space Per Person Required
Single family detached & attached	3.5	1,000
Multi-family 3 bedroom or more	2.5	1,000
Multi-family 2 bedroom or less	2.0	1,000

In no case shall the Common Open Space be less than 25% of the total site.

The minimum common open space required herein shall be deed restricted against future structural development and shall be held in common open space uses pursuant to one of the methods of holding common open space land set forth in Section 306.

507.3 Non-Residential Parking Ratio - The amount of parking for non-residential uses shall depend upon the non-residential land use category specified and the intended use of the site. The reviewing agency may adjust paved area requirements; however, the required spaces must be reserved and not included in any open space calculations in case actual use indicates they are needed, in which case the developer shall be responsible to improve those areas to the Town standards. Maximum parking ratio shall be:

Non-Residential Use Category	Parking Spaces/ 1000 Square Feet of Floor Area
Commercial	6
Industrial/Office	4
Community Facility	2 per 1000 sq.ft. or 20 spaces whichever is greater

507.4 Residential Parking Ratio - minimum parking space ratio shall be:

	Parking Spaces/Unit
Single family detached & attached with 4 or more bedrooms	3
Single family detached & attached & multi-family with 2 or 3 bedrooms	2
Multi-family with 1 or less bedrooms	1.5

Section 508. Use Intensity and Locational Standards

Use intensity and location standards are intended to provide a guide for the preparation of an application for tentative approval and as a means of evaluation of plans prepared for tentative approval.

508.1 Use Intensity Standards - The use intensity shall be the maximum number of housing units permitted per gross acre excluding Wetland and Watershed District as defined in 301.19 which are calculated as defined in and subject to Section 202.6.3. and 702.1. This intensity shall depend upon the residential land use category specified in Section 403.1. Maximum use intensity shall be:

Residential Land Use Category	Unit Range Land Area
Cluster Development	1/40,000 s.f.
Planned Development I	1-2.5 units/acre
Planned Development II	1-4 units/acre
Planned Development III	1-6 units/acre

508.2 Single Family Detached Building Lot Standards - Single family detached building lots shall be so designed so that the depth shall be no less than 1.5 or more than 3 times the frontage at the building setback line. All lots shall have access to a way for public use. All lots shall have direct access only to ways classified as local.

508.3 Building Location Standards - Buildings shall be located to maximize their view potential and their accessibility to open space. Buildings shall be inter-related to create neighborhoods and sub-neighborhood groupings. Incompatible housing types shall be separated by open space, street and or community facilities.

508.4 Road Location Standards - Roads shall be designed to converge traffic flows at convenient access points. Road design shall minimize traffic flows in residential areas. Gridiron arrangements shall not be allowed. To facilitate traffic flow at major intersections turning lanes shall be installed at commercial and industrial centers and may be required at impacted intersections. Specified construction regulations for public road are contained in Section 509.

Section 509. Public Roads

509.1 Existing Regulations - The Town of Duxbury subdivision regulations as from time to time duly amended pertaining to ways shall apply to plans submitted under this By-Law, where regulations for these ways are not prescribed by this section.

509.2 Cartway Width - The minimum width of paving for a new or improved local or feeder street shall depend on projected traffic use as interpreted by the reviewing agency. Minimum street widths shall be as follows:

Traffic Projection (ADT)	No Parking	Parallel Parking One Side	Parallel Parking Two Sides
Under 1,000	20 ft.	26 ft.	36 ft.
1,000 or over	22 ft.	28 ft.	38 ft.

Traffic Projection (ADT)	90 degree Parking Two sides	90 degree Parking One side	45 degree Parking One Way
Under 1,000	62 ft.	42 ft.	44 ft.
1,000 or over	64 ft.	44 ft.	46 ft.

509.3 Right-of-Way Width - The minimum width provided for right-of-way for a new local or feeder street shall depend on the cartway width and road classification. Minimum widths shall be as follows:

Cartway	Local	Feeder	Parkway
Under 26 ft.	40 ft.	50 ft.	100 ft.
26 ft.& greater	50 ft.	60 ft.	120 ft.

509.4 Grades - The Maximum grade for a new local or feeder street shall depend on road classifications. Maximum grades shall be as follows:

Local - 12% Feeder - 6%

509.5 Sight Distance - The minimum sight distance for a new or improved local or feeder street shall depend on the design maximum speed. Minimum sight distances shall be based on the standards established in the latest issue of the American Association of State Highway Officials (AASHO) publication or seven (7) times the design speed whichever is greater.

509.6 Cul-de-Sac Length - The maximum length of a cul-de-sac street shall not exceed 500 feet in length; subject to discretion of reviewing agency under unusual conditions.

509.7 Cul-de-Sac Turnaround - The minimum outside radius of a cul-de-sac turnaround shall depend on whether parking is provided. Minimum radii shall be as follows: Interior portion of turnaround may be left unpaved and improved as a landscaped area.

	Cartway Radius	Right-of-Way Radius
With Parking	65 ft.	75 ft.
No Parking	50 ft.	60 ft.

509.8 Construction - All roadways shall be constructed according to the applicable requirements of the governmental unit charged with their maintenance.

Section 510. Intersections

510.1 Existing Regulations - The Town of Duxbury subdivision regulations pertaining to intersections shall apply to plans submitted under this ordinance except for intersections between local and/or feeder roads. Regulations for these roads shall be as prescribed by this section.

510.2 Clear-Sight Triangles - Clear-sight triangle shall be provided at all street intersections. Within such triangles, no vision-obstructing object shall be permitted, which exceeds a height of 30 inches above or below 10 feet of the elevation of the intersecting street. The required dimension shall depend on maximum design traffic approach speed and the movement restrictions. Dimensions of the sides of the clear-sight triangle shall be as follows or as established by the latest issue of the AASHO publication whichever is greater:

Classification	Controlled Intersection	Uncontrolled Intersection
45 MPH	200 ft.	135 ft.
35 MPH	150 ft.	105 ft.
25 MPH	110 ft.	75 ft.

510.3 Grades - Intersections shall be approached on all sides by a straight leveling area of at least 50 feet from the nearest intersection right of way line. The maximum grade of which shall be determined by the design traffic approach speed. Subject to discretion of reviewing agency under unusual conditions. The maximum grades shall be 5 percent or as established by the latest issue of the AASHO publication, whichever is greater.

510.4 Separation - Intersection shall be separated from other road intersections on the same or opposite side by a minimum distance which shall be determined by the maximum design traffic approach speed and the type of intersection. Minimum distances shall be as follows and maximum speed classification at a mixed speed intersection shall govern:

Classification	Full or "T" Intersection
45 MPH	400 ft.
35 MPH	300 ft.
25 MPH	150 ft.

510.5 Angle of Intersection - Both feeder and local streets shall intersect at an angle not to exceed 100 degrees nor less than 80 degrees.

510.6 Arcs - Street intersections shall be rounded by tangent arcs with a minimum radius determined by the road classification. Radii depend on traffic speed and road width. In any event design radii shall permit the largest serving fire vehicle to freely negotiate any intersection with a car stopped in the opposite lane. Minimum radii shall be as follows:

Classification	Radii
Local and local	25 ft.
Local and feeder	35 ft.
Feeder and feeder	45 ft.

Section 511. Utilities

All utilities shall be placed underground. Common trenches shall be utilized where practical. The minimum easement or dedication width shall be 10 feet. Care shall be taken to avoid excessive clearing and to maintain control of grading.

511.1 Building Setback - Buildings shall be setback 20 feet from all utility easements except those providing direct service. Setbacks from natural gas transmission lines shall be 50 feet.

511.2 Construction - All utilities shall be constructed according to the applicable requirements of the agency charged with their maintenance.

511.3 Sanitary Sewage - The regulations of Massachusetts Department of Natural Resources and Massachusetts Department of Public Health, Sanitary Code, Article XI shall apply to all on-site disposal systems.

511.4 Other Utilities - The construction regulations of the public utilities or governmental agencies charged with the maintenance of the utility to be provided shall be applicable.

511.5 As Built Drawings - As built drawings and location of easements shall be required upon completion of development for submission to appropriate Boards.

Section 512. Storm Drainage

512.1 Use of Existing Facilities - Existing storm sewers maintained by the Town shall be utilized in those instances where they are reasonably accessible and with available capacity. New facilities interconnecting with existing ones shall be constructed according to the requirements of the Town as interpreted by the Drainage Committee and its engineering consultants.

512.2 Natural Systems - The use of existing natural drainage systems shall be employed providing that the discharge into adjacent properties at the point of discharge shall not be increased, nor create measurable damage. To facilitate the retention of storm water, to protect against siltation and to prevent measurable damage, on-site improvements such as retention basins, diversion ditches, sodded swales or rubble swales may be required by the reviewing agency under Section 406.4.5.

512.3 Streets - All streets shall be so designed to provide for the discharge of surface water from their paved area and shoulders. Provisions to accommodate storm water runoff shall be designed to meet the needs of the site. Swales shall be constructed to meet the requirements of the Town as interpreted by the Drainage Committee. Sodded swales may be substituted for curbs provided a gravel base is extended to prevent pavement deterioration and on-street parking is prohibited and if it can be shown by the Soil Conservation Services's methods that scouring velocity will not be reached.

512.4 Erosion Controls - The recommendations of the Plymouth County Soil Conservation Service shall be complied with during construction. This may include temporary improvements such as the use of grass or ground cover or impounding basins for erosion control both during and after construction.

Section 513. Road Right-of-Way Improvements

513.1 Curbs - Curbs if provided shall be installed along both sides of public roads. Construction shall meet the Town Specifications as interpreted by the reviewing agency.

513.2 Bikeways and Walkways - A pedestrian access system shall be provided along side streets as shown under Section 406.3.4 or preferably in common open space under Section 406.3.6. Walkways of a material to be approved by the appropriate agency shall be at least 4 feet in width, bikeways shall be at least 6 feet in width, improved trails shall be at least 5 feet clear in width. Pedestrian access shall be provided to all community facilities, recreation areas and commercial uses. All bikeways and walkways shall be separated from a road by a minimum of 10 feet.

513.3 Fire Hydrants - Fire hydrants shall be installed within 600 feet of all proposed buildings in a manner approved by the Duxbury Water Department. Locations shall be specified in the Utilities Map (Section 406.3.5).

513.4 Street Lights - Street lights shall be installed at appropriate locations in an approved manner specified on the Road and Parking Map(section 406.3.4). Lighting fixtures shall be approved by the Town and the electric utility company. Care shall be taken to insure good distribution and avoid glare while also respecting the quality of the Town.

513.5 Shade Trees - Shade trees shall be planted at appropriate locations along all public ways when required so that the number shall not be less than one (1) per 40 feet of road edge. Locations shall be specified on the Road and Parking Map (Section 406.3.4). These requirements may be waived for sections where existing trees are fully protected and retained.

Section 514. Identification

514.1 Concept - The regulations of this section shall apply to identification signs for the development. Other Town regulations shall remain in force for other sign locations within the development.

514.2 Entrance Signs - An approved sign or symbols may be permanently affixed at all entrances to the development. Such signs or symbols may be attached to a building or may be free-standing. No sign or symbol shall exceed 48 square feet per facing and shall be in a character respecting the quality of the Town.

514.3 Street Names and Housing Numbers - Street names shall not conflict or be mistaken for existing street names in the Town or postal zone unless it is a logical extension of an existing street. The numbering system shall be as approved by the appropriate authorities.

514.4 Other Identification - Any development may utilize special symbols particularly related to the development on street posts, lights and approved traffic signs. Logos and other symbols must be approved by the Town under Sections 409 and 225.

Section 515. Grading

515.1 Drainage - All land adjacent to buildings or paved areas shall be graded to secure proper drainage away from the improvement and to prevent the undesirable collection of storm water near buildings. Free movement shall not be impaired.

515.2 Excavation - No excavation shall be made with a cut face steeper than the natural angle of repose for the material of the area as stated by the Plymouth County Soil Conservation Service or unless a structurally sound and properly engineered wall is provided to support the face of the excavation as approved by the reviewing agency.

515.3 Fill - No fill shall be made which creates any exposed surface steeper in slope than the slope determined by the Soil Conservation Service's control standards unless a structurally sound wall is provided to support the face of the fill. Fill shall be placed in even lifts of 6 inches to 12 inches for stability and compacted to within 95% of its maximum density, optimum moisture content. Top soil shall not be used except as top dressing. Vegetative materials and/or refuse may be used to create mounds or other improvements above natural grade provided they are intermixed with clean sub-soil and covered with a minimum of 12 inches of top soil. Fill shall not be spread over existing natural vegetation. Trees shall be protected with an adequate tree well.

Section 516. Parking

516.1 Spaces - No off-street parking space shall have a stall depth less than 20 feet nor width less than 9 feet. Parallel parking shall have a minimum depth (length) of 22 feet. All spaces shall have a minimum of 180 square feet.

516.2 Setbacks - All off-street parking areas shall be separated from vehicular paved areas by a minimum landscaped setback of ten (10) feet.

516.3 Stops - All off-street parking spaces adjacent to an open area shall utilize a parking stop or bollard. No vehicle shall overhang in an open area.

516.4 Planting - A minimum of 20 percent of the interior of a parking compound shall be maintained as open space with indigenous plantings or by the retention of existing trees. All plantings shall be protected with curbs, bumpers, or bollards. This shall be shown in the Road and Parking Map (Section 406.3.4).

516.5 Location - The required parking spaces under Sections 507.3 and 507.4 shall be located within a specified radius of a building entrance depending on the use and subject to reviewing agencies judgment. The appropriate radii shall be as follows:

Classification	Parking Radius
Residential	150 ft.
Commercial	300 ft.
Industrial/Office	300 ft.

ARTICLE 700

RESIDENTIAL CLUSTER DEVELOPMENT

Section 701. Purpose

This section is designed to establish standards by which a tentative plan for a Residential Single Family Detached Cluster Development may be reviewed.

Section 702. Standards for Residential Cluster Development In The Residential Compatibility, and Planned Development Districts

702.1 Density - The density of development in an approved Residential Cluster Development shall be as follows:

District	Permitted Density
Residential Compatibility	1 D.U./40,000 s.f.
Planned Development 1, 2, 3	1 D.U./40,000 s.f.

In no case shall the acreage of the Wetland and Watershed District (305.19) used for density calculation exceed the acreage of the land in the site outside of the Wetland and Watershed District.

702.2 Lot Coverage - The maximum impervious lot coverage for Residential Cluster Development shall be as determined for the applicable district in Section 507.1.

702.3 Lot Size - There shall be no minimum lot size specified for each structure erected in a Residential Cluster Development. However, for each structure proposed in a Residential Cluster Development the total land requirement shall increase in square foot increments as outlined in Section 702.1 and no detached building shall be closer than its height to any other.

702.4 Height - No structure in a Residential Cluster Development shall exceed two and one-half (2.5) stories.

702.5 Common Open Space - Where Residential Cluster Development shall be based upon common open space, the requirements of Section 306 and 506 shall apply.

702.6 Yard Requirements - All yard requirements shall conform to 504.1.

Section 703. Residential Cluster Development Review

Every proposed Residential Cluster Development shall be evaluated on its general conformance to Articles 400, 500 and 800 except as indicated in Section 813.

ARTICLE 800

ADMINISTRATION OF PROTECTIVE BY-LAW INVOLVING A SPECIAL PERMIT

Section 801. Enfo r cement

This By-Law shall be enforced by the Board of Selectmen, either directly or by an inspector appointed by them; and upon any well founded information of a violation, the Board of Selectmen shall take immediate steps to enforce this By-Law in the manner provided by law. No person shall erect or externally alter a building or other structure in the Town without a permit from the Selectmen, granted upon application made to them upon a form prescribed by them. If the Selectmen find that the construction location and proposed use of the building or structure to which the application relates are authorized by this By-Law, they shall grant such permit; otherwise they may refuse it. Such building permit as may be required by the building code of the Town of Duxbury shall be considered as the same as that required above.

801.1 Matter Accompanying Application - Each application to the Building Inspector for a building permit or a certificate of occupany shall be accompanied by a site plan showing the location, area and dimensions of the lot and all buildings, yards, and parking spaces, existing and proposed. Where off-street parking required by the By-Law is proposed on a lot other than the lot on which the building is located, a plan of the off-street parking area shall also be provided.

801.2 After the building, or part thereof, has been completed, altered, enlarged or relocated, the owner or his agent shall obtain a certificate of occupancy for the proposed use before the same may be occupied or used.

801.3 In cases of use and occupancy of any building or structure, or part thereof, during a period of construction or alteration, the Building Inspector may issue temporary certificates for periods not exceeding six (6) months.

801.4 Applications for occupancy permits shall be filed with the applications for building permits and shall be allowed or denied in writing (which writing shall contain the cause of the action taken), within seven (7) days after the Inspector of Buildings has been notified in writing that a construction or alteration of such building or structure has been completed.

801.5 Any person violating any of the provisions of this By-Law may be fined no more than $50.00 for each offense. Each day that such violation is permitted to exist after written notification thereof by the Building Inspector shall constitute a separate offense.

Section 802. Board of Appeals

A Board of Appeals is hereby established which shall have all of the powers of a Board of Appeals under Chapter 40A, Sections 4 through 22 of the General Laws, and acts in amendment thereof and in addition thereto. The Board of Appeals shall consist of five (5) members appointed by the Selectmen, one of which shall be an attorney, and one who shall conform to the requirements under the BOCA code with terms so arranged that no two members' terms shall expire in one year. The Selectmen shall also appoint at least two associate members annually. No member or associate member shall act on any appeal in which he has a personal or financial interest. In case of absence of any regular member, his place shall be taken by an associate member.

Section 803. Appeals

An appeal may be taken to the Board of Appeals by any person aggrieved by any order of any administrative official of the Town in violation of Chapter 40A of the Massachusetts General Laws or the Protective By-Law of the Town.

803.1 The provisions of G.L.Chapter 40A, Section 20, provide that no appeal or petition under Paragraph Three of Section Fifteen for a variance from the terms of this By-Law with respect to a particular parcel of land or the building thereon and no application under Paragraph Two of Section Fifteen for a special exception to the terms of this By-Law, which has been unfavorably acted upon by the Board of Appeals, shall be considered on its merits by said board within two years after the date of such unfavorable action except with the consent of all of the members of the Planning Board are hereby accepted and made a part of this By-Law.

Section 804. Special Exception

The Board of Appeals may, in appropriate cases and subject to appropriate conditions and safeguards, make special exceptions to the terms of the By-Law in harmony with their general purpose and intent, and in accordance with the specific regulations contained in this By-Law and as indicated in Section 813.

Section 805. Planned Development and Cluster Development Special Exception Administration

805.1 Administration - The Board of Appeals shall be responsible for the administration of the Planned Development and Cluster Development special exception procedures. The Building Inspector shall be charged with enforcement.

805.2 Duties and Responsibilities - The Board of Appeals shall be responsible for scheduling, advertising and conducting all public hearings, taking and evaluating of testimony,

designation of appropriate technical review bodies, and decision making (approval - denial of special exception permit).

805.3 Designated Review Bodies - The Board of Appeals shall designate the Town Planning Board as the technical review body for special exception permit procedures dealing with Planned Development and/or Cluster Development. See Section 805.4.

805.4 Duties and Responsibilities of Reviewing Bodies - The Town Planning Board shall administer the technical reviews of information required by Articles 400 and 500; shall assign to the appropriate Town committees, commissions, and boards sometimes including but not limited to the following: Board of Selectmen, School Committee, Board of Health, Water Commissioners, Conservation Commission, Historic District Commission, Highway Commission, Land Use Committee, Finance Committee, Capital Budget Committee, Drainage Committee, Town Assessors, Fire Chief and related Committee, Park and Recreation Committee, and Town Solicitor, the review of data particular to each of these bodies; set time limits for these reviews and reports; conduct meetings; prepare findings; and give testimony to the Board of Appeals.

Section 806. Procedures

806.1 Notification - Applicant shall notify the Building Inspector of his intent to undertake a Planned Development and/or Cluster Development (Article 400 and 700).

806.2 The Building Inspector shall notify the Board of Appeals of such intent within ten days.

806.3 In order for the Board of Appeals to establish the applicability of the applicant's proposal as a Special Exception (Article 400) the Board of Appeals shall require the applicant to submit information reviewed by its review body(s).

806.4 The applicant may ten (10) days prior to a regularly scheduled meeting submit to the Board of Appeals or its appointed representative all information relating to Sections 404 and 405. Partial submissions shall not be accepted.

806.5 The Board of Appeals shall designate the Town Planning Board to conduct reviews pertinent to Sections 404 and 405.

806.6 The Planning Board shall at its regularly scheduled meeting notify the developer as to the completeness of his data submission. If acceptable, the Planning Board shall distribute to the Town technical review bodies (Section 805.4) the appropriate data for their review.

806.7 The Planning Board shall schedule a meeting(s) to review the submitted data with the final recommendation to be made not later than 120 days from the initial meeting. This recommendation shall be a written report to the Board of Appeals

stating deficiencies which exist in the submission and whether or not both specific and general standards therein have been fully complied with.

806.8 Upon receipt of the Planning Board's report by the Board of Appeals, the applicant shall have 180 days to proceed with the formal filing of a special exception Articles 400 and/or 700. Upon receipt of this filing the Board of Appeals shall set a date for a public hearing.

806.9 The applicant shall, ten (10) days prior to a regularly scheduled meeting, submit to the Board of Appeals all information relating to Section 406. Partial submissions shall not be accepted.

806.10 Public Hearing Notification - The Board of Appeals shall cause the notice of the time and place of such hearing for special exception and sufficient identification of the subject matter by:

806.10.1 Publication in a newspaper of general circulation in the Town once in each of two (2) successive weeks, the first publication to be not less than fourteen (14) days before the date of the hearing.

806.10.2 Posting such notice in a conspicuous place in the Town Hall for a period of not less than fourteen (14)days before the date of the hearing.

806.10.3 Send notice by mail, postage prepaid, to the applicant and to each land owner as appearing on the most recent tax list of lands abutting to the applicant's lands or 500 feet from the lot in question whichever distance is greater and to any other interested parties noting date, time and subject matter of the hearing. This notification shall take place no less than seven (7) days prior to the date of the hearing.

806.10.4 The publication required shall contain the following in bold face type:

Name of applicant
Location of premises which are the subject of the housing
The date, time and location of the hearing.

806.11 The Board of Appeals, shall upon receipt of all data required in Section 406, forward to the Planning Board who, with the appropriate technical review bodies of the Town, shall review the Tentative Plan and accompanying documentation within 40 days of receipt of all data by the Board of Appeals. The Planning Board shall formally report its findings to the Board of Appeals.

806.12 The Planning Board shall submit for the public hearing all findings based on the general and specific requirements of this By-Law and specifically shall report on:

Extent of relationship to and compliance with the Town's Comprehensive Plan statements and Master Plan Map;
Extent of departure from existing ordinance(s);

Adequacy of provisions for open space;
Adequacy of considerations to natural systems including but not limited to:
- Steep slopes
- Field areas
- Wetlands and floodplains
- Aquifer recharge areas
- Significant physiographic features
- Visual corridors
- Existing water bodies
- Area of high pollutability;

Adequacy of the provisions for public service including but not limited to:
- Water supply and capacity
- Traffic hazards and road capacity
- Schools
- Fire and police;

Satisfaction of the improvement and development schedules;
Satisfaction of the relationship with the surrounding neighborhood.

These findings shall become part of the official records of the public hearings.

806.13 Decisions - The Board of Appeals, shall within sixty (60) days of the formal filing of a tentative plan for a special permit exception, render a decision but this time period may be voluntarily extended upon agreement of both parties. This decision shall include:

806.13.1 A filing of the decision with the Town Clerk together with all plans as finally approved. Two (2) copies of which shall go to the Planning Board and one (1) copy to the applicant.

806.13.2 This decision may be subject to such conditions and limitations as set forth in this By-Law.

The Board of Appeals may refuse a special exception permit when such an application does not conform to the requirements of this By-Law. The basis for such a refusal may be based in general on Article 100 which defines the purpose and intent of this By-Law; Article 400 which enumerates the required procedures and evaluation standards; and Article 500 which establishes the design standards upon which all applications shall be judged. In addition, the following specific sections help define even more clearly the standards of special exception review for a Planned Development or Residential Cluster Development: Article 100, sections 101 through and including 106; Article 200, sections 201.5, 202.6, 202.7 and 202.9, 204.3, 205, 206, 207, 209.2 and 210.2; and Article 400, sections 408 and 409.

806.13.4 Issuance of a special permit does not constitute issuance of a building permit, which must be obtained by application to the building inspector as provided in this By-Law.

806.13.5 No special permit shall take effect until the decision of the Board of Appeals together with the plan relating

thereto are recorded with the title of the land or lot in question in the Plymouth Registry of Deeds and until a certified copy of said recording is received by the Board of Appeals. The owner of the land in question shall pay for and be entirely responsible for filing the decision of the Board of Appeals.

806.13.6 Denial of Approval - The Board of Appeals may deny approval of the Tentative Plan, and shall state in writing specifically the section (s) of the Protective By-Law not met by the applicant in his Tentative Plan submission.

Section 807. Appeals Procedures

807.1 Appeal of Board of Appeals Decision - Any person aggrieved by a decision of the Board of Appeals may take an appeal to the courts according to Section 21, Chapter 40A, General Laws of the Commonwealth of Massachusetts, and as amended.

Section 808. Town Enforcement

808.1 Plan Enforcement - The following provisions of the development plan shall run in favor of the Town and shall be enforceable in law or equity by the Town without limitation:

The use, bulk and general location of buildings and structures,
The quantity and location of open space,
The intensity of use or the denity of residential land uses.

808.2 Open Space Maintenance - In the event that the organization established to own and maintain common open space shall fail to maintain it in reasonable order and condition in accordance with common open space analysis, the Town may serve written notice upon such organization or upon the residents of the Planned Development, Cluster Development, and/or the equitable owners of the ground setting forth the manner in which the organization has failed and shall include a demand for correction within 30 days, and shall state the date, time and place on a hearing thereon which shall be held within 14 days of the notice. If the deficiencies are not corrected or the Town's request modified, the Town may enter upon the common open space and maintain the same for a period of one year. Before th expiration of the year, a second public hearing shall be called by the Town, at which time the organization or the residents shall show cause why such maintenance shall not continue for a succeeding year. If the Town determines that the existing organization or a revision to it is satisfactory, the Town shall cease to maintain the common open space. All costs incurred by the Town shall be assessed against the properties within the Planned Development and/or Cluster Development and shall become a lien on these properties. Liens shall be filed in the office of the proper agency.

808.4 Applicability of Enforcement - The penalty provisions of this ordinance may be imposed upon the developer, land owner, general agent, tenant, architect, any contractor, or builder, or any person having an identifiable property interest including a mechanic's lien, mortgage or other attachment against the property.

Section 809. Stop Order

809.1 Scope - A Stop Order shall be issued for any violation in unauthorized sale or lease; construction in deviation from approved plans; subsequent actions contrary to the stated activities and uses permitted by approved plans; failure to adequately maintain common open space; or, inadequate or insufficient construction of improvements.

809.2 Notice - A Stop Order shall be issued by the Building Inspector and delivered to the owner of any property or his agent. Delivery shall be construed to include registered mail or posting on the property. Copies of such notice shall be maintained by the Town.

809.2.1 Contents - The Stop Order shall be in writing and state the nature of the violation and under which conditions work or use may continue. A time limit, not to exceed 5 days shall be permitted to allow for necessary corrections.

809.2.2 Unlawful Continuance - Any person who shall continue in violation of the Stop Order shall be in violation of this By-Law subject to Town Enforcement.

809.2.3 Failure to Issue - The failure of the Town to obtain a Stop Order for any reason whatsoever shall not be interpreted as an estoppel against the Town, from pursuing any other legal remedy permitted under law.

Section 810. Common Open Space

810.1 Concept - Common open space is an essential aspect of Planned Development and Cluster Development. Its preservation can be provided by one of the following techniques:

Homeowners or Condominium Association (Section 306),
Trust Agreement (Section 306),
Public Donation (Section 306),
Common Easement by Deed Restriction (Section 306).

810.2 Rights of Residents - All provision of the open space analysis shall weigh in favor of the residents to the extent expressly provided by the document and the instruments filed under Section 306. These provisions whether recorded by plat, covenant, easement or otherwise may be enforced by law or equity by the residents of the Planned Development or Cluster Development acting individually, jointly and through an organization on their behalf. All provisions regarding common open

space which have been approved may be modified, removed or released by the municipality except that no such action shall affect the rights of residents to maintain and enforce these original provisions prior to alternation as specified by this section. The residents of the Planned Development may modify, remove or release certain open space requirements as specified by the procedure under which those requirements were established. Such action shall not affect the right of the Town.

810.3 Maintenance Fees - Fees for the preservation, improvement, and maintenance of common open space shall be approved by the Town and contained in an agreement filed with the Town. The maximum and minimum fees shall be specified. Under no circumstances shall fees reflect the cost of land acquisition, improvements shown in the common open space analysis, or facilities for which public use is permitted on a regular basis.

Section 811. Amendments

811.1 Review - Any amendment proposed to this By-Law shall be reviewed by the Town Planning Board. Amendments to the By-Law may be initiated by an individual, the Board of Selectmen or by the Planning Board itself.

811.2 Public Hearing - The Town Planning Board shall hold public hearing on any proposed amendment to the Protective By-Law, first causing notice of the time, place of such hearing and sufficient identification of the subject to be discussed. The Planning Board shall notify the public at large of this hearing in the method(s) prescribed in Section 6, Chapter 40A, General Laws of the Commonwealth of Massachusetts.

811.3 Report - The Planning Board shall, after hearing all relevant testimony regarding the proposed amendment, submit a final report with its recommendations to the Town Meeting.

Section 813. Exceptions to Planned Development and Residential Cluster Application Requirements

For applications of a Cluster Development of 10 acres or less or a Planned Development in a PD 1 or PD 2 District within 25 or less dwelling units and no Neighborhood Business uses, the Board of Appeals may waive certain but not all application requirements relative to the scope of that application. The basis for such waivers shall be based on the size of the proposed project when little or no community impact is expected due to that size. All design standards and density requirements enumerated in Article 500 shall still hold as well as the general processing requirements of Article 800.

It is the intent of this section that its waiver possibilities NOT be used in areas where large parcels may be able to be compiled or on a section by section basis for already larger land holdings. This section is designed with the small landowner in a confined location in mind. It is intended to be considered for use by the Board of Appeals when the full procedures of Article 400 would result in an exceptional and unwarranted burden on the applicant relative to the potential community impact.

This section can only be invoked by the Board of Appeals after submission of Section 404 and 405 and their review substantiates the intent of this section as enumerated above.

Section 814. Miscellaneous Provisions

814.1 Beneficiary of Funds - The Town of Duxbury shall be the beneficiary of all fines paid to include the costs of prosecuting any legal action if allowable by law.

814.2 Short Title - This By-Law shall be known and may be cited as the Town of Duxbury Protective By-Law.

814.3 Effective Date - This By-Law shall take effect upon the date of enactment by vote of the Annual Town Meeting and approval of the State Attorney General.

814.4 Construction of Act - The provisions of this act shall not affect any one, contract executed or liability incurred prior to its effective date, or affect any suit or prosecution pending or to be instituted, to enforce any right, rule, regulation or by-law or to punish any offense under By-Law now in effect which may be modified or repealed by applicable section of this By-Law.

814.5 Severability Clause - The provisions of this ordinance shall be severable, and if any of its provisions shall be held to be unconstitutional, the validity of any of the remaining portions of this act shall not be affected. It is hereby declared as the legislative intention of the Board of Selectmen that this By-Law would have been adopted had such unconstitutional provisions not been included herein.

814.6 Interpretations of Developer Sections - Actions undertaken by a developer under the Planned Development or Cluster Development sections of this By-Law shall be interpreted as voluntary with the understanding that applicable zoning and subdivision regulations would have remained in effect had not the developer elected to pursue the terms of the applicable sections of this By-Law. Acceptance of gifts, grants or bequests by the Town from public or private sources under this By-Law shall not be interpreted as requiring certain consideration in return. Such acceptance shall be interpreted as within the rights of the Town to accept gifts, grants or bequests as stated under applicable Massachusetts law.

814.7 As much of this Protective By-Law as is approved by the Attorney General shall take effect upon its publication as required by law.

PROPOSED AMENDMENTS TO PROTECTIVE BYLAW

DUXBURY, MASSACHUSETTS

The following substantive changes have been drafted by the Planning Board, the Land Use Study Committee and their consultants, and in response to suggestions by the public. These changes are proposed as amendments to the Protective Bylaw.

201 Delete "Historic District"

201.2 Delete entire paragraph and sub-paragraphs through 201.2.4

201.5 After the last sentence add: "A minimum of three different residential use types shall be required in any special use permit application for a planned development. Residential use types are defined as (1) single family detacned, (2) single family attached, semi-attached or townhouses, (3) multi-family or garden apartments. In no case shall there be any more than 60% of any residential use type. In PD 1 and 2 detached single family uses shall be at least 5% of the required mix."

201.5.1 Delete "and uses permitted in the NBDI (Section 208.2)"

After "maximum density range" delete "1 to 4" and insert: "1 to 2.5"

201.5.2 After "maximum density range" delete: "1 to 6" and insert: "1 to 4"

Delete: "and NBD II" and "209.1 and 209.2"

Delete: "in addition to hotels, motels, and similar facilities for guest accommodations."

Add at end: "The gross floor area of NBDI business uses (Section 208.2) shall not exceed 5% of the gross floor area of residential uses."

201.5.3 After "maximum density range" delete: "1 to 8" and insert: "1 to 6"

203 Delete entire section

204.2.2 Delete entire sentence. Insert: "Except on a farm, the keeping of any vehicle or motor vehicle, which is registered under the laws of the Commonwealth of Massachusetts as a commercial vehicle, or if said vehicle is unregistered, it is of the character which, if it were registered, it would by law be required to be registered as a commercial vehicle under said laws of the Commonwealth, including but not specifically limited to bulldozers, flatbeds, large dump trucks, backhoes, graders, chippers, and tractors

204.2.2 (contd) except for one motor vehicle designed for the carrying of cargo or freight which does not exceed 10,000 pounds gross vehicle weight, owned or operated by a resident of premises on which it is kept. Nothing herein shall be construed to prohibit the keeping of one service type vehicle not to exceed 10,000 pounds gross vehicle weight by a resident who carries on a trade or profession away from his premises.

702.1 Density - at bottom of chart add:

Planned Development 1,2,3	1 D.U./40,000 s.f.

Add after chart: "In no case shall the acerage of the Wetland and Watershed District (305.19) used for density calculation exceed the acerage of the land in the site outside of the Wetland and Watershed District."

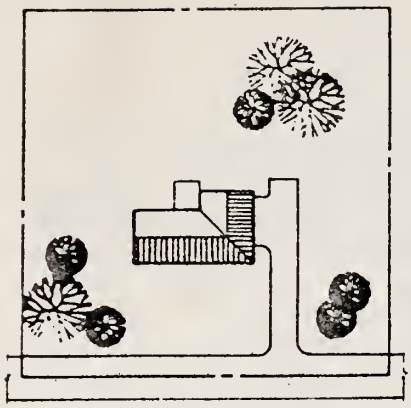
802 Delete second sentence and add: "The Board of Appeals shall consist of not less than three (3) nor more than five (5) members appointed by the selectmen for terms of three years and so arranged that the terms of not more than two (2) members shall expire each year."

Substantive Amendment 201

At end add: provided that any conflict between the map and the description of any district in the written terms of this by-law shall be resolved according to the written terms.

Minor Amendments

204.3.1	Insert: "legal" before "dwelling"
204.4.5	Change: "This section shall not apply to a building in existence" to "This section shall apply only to a building legally in existence"
208.2	After "site" plan" insert "(Section 211)"
209.1	Add: after "section 208.1", "inconformance with site plan, procedures and requirements for such uses."
211	After "NBD 3 Districts" delete "which"
212	First sentence: after "site plan" delete: "this section" and insert "Section 211"
213	First sentence: after "site plan" delete: "this section" and insert "Section 211"
214.1.1	Change 1500 to 15,000
223	Delete "unless said structure or use shall provide sufficient off-street parking facilities to satisfy the requirements of this bylaw."
302.3	Add at beginning: "An application for a special exception for a Planned Development or Residential Cluster Development under this bylaw including"
503.4	Add at end: "If any part of any floor level is more than four feet above finished grade it shall be considered as one story."
514.2	Change "shall" to "may"
806.13	Add after "filing", "of a Tentative plan"
813	Delete in all three paragraphs: "or its appointed agency"

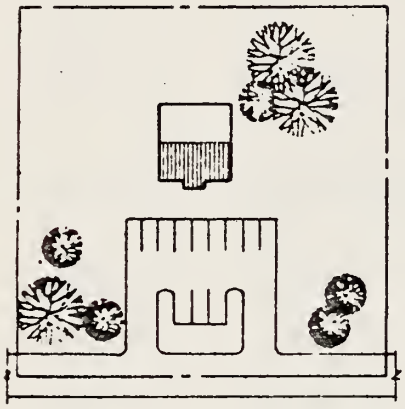


SINGLE FAMILY

COVERAGE	16%	TAX YIELD	$ 2200.00
DENSITY	1 DU/AC	MUNICIPAL COST	2052.00
VALUE	$ 50,000.00	SURPLUS	$ 148.00
or	$ 45,000.00		[$ 72.00]

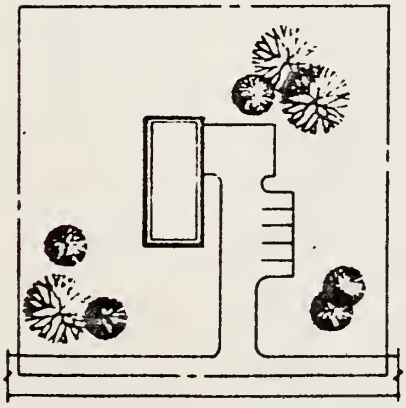
TOWNHOUSE

COVERAGE	16%	TAX YIELD	$ 4620.00
DENSITY	3 DU/AC	MUNICIPAL COST	4216.00
VALUE	$ 105,000.00	SURPLUS	$ 404.00



GARDEN APARTMENT

COVERAGE	16%	TAX YIELD	$ 6600.00
DENSITY	6 DU/AC	MUNICIPAL COST	5084.00
VALUE	$ 150,000.00	SURPLUS	$ 1516.00



INDUSTRIAL

COVERAGE	16%	TAX YIELD	$ 2200.00
VALUE	$ 50,000.00	MUNICIPAL COST	910.00
		SURPLUS	$ 1290.00

DUXBURY LAND USE COMPARISON

PROPOSED AMENDMENTS TO PROTECTIVE BYLAW

DUXBURY, MASSACHUSETTS

The following minor changes have been drafted by the Planning Board, the Land Use Study Committee and their consultants, and in response to suggestions by the public. These changes are proposed as amendments to the Protective Bylaw.

101.4 Delete: "The Coastal and Inland Wetlands Acts"
Insert: "The Duxbury Wetlands and Watershed Protective District and Map dated March 13, 1971"

102 Delete: "approved by the Planning Board and adopted at the 1973 Town Meeting"

201.3 After 40,000 square foot lot add: "with limits defined by septic restrictions, Wetlands District as defined in 305.19 and flood plain areas"

201.4 Should read: "Wetlands District as defined in 305.19"

201.5 After "district" and before "special" insert: "these"

After "Residential Compatability District" add: "in conformance with the standards in Section 204"

201.5.1 After "Wetlands" add: "District as defined in 305.19"

201.5.2 After "Wetlands" add: "District as defined in 305.19"

201.5.3 After "Wetlands" add: "District as defined in 305.19"

Second sentence after and/or insert: "Residential"

202.2 After "Protection" delete "Area" and insert "District as defined in 305.19"

202.5.1 Delete "Area" and insert "District"

202.5.2 Delete "Area" and insert "District"

202.6.1 Delete "Area" and insert "District"

Delete last sentence

202.6.2 Delete "Area" and insert "District"

Second line, after "or" and before "site" insert "contiguous"

After "open space" insert "and/or common open space"

202.6.3 Delete "Area" and insert "District"

Second line, after "or" and before "site" insert "contiguous"

After "open space" insert "and/or common open space"

After "density calculation" insert "for that 50% of the Wetlands District"

PROPOSED AMENDMENTS TO PROTECTIVE BYLAW

DUXBURY, MASSACHUSETTS

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202.6.3 Delete "Area" and insert "District"

Second line, after "or" and before "site" insert "contiguous"

After "open space" insert "and/or common open space"

After "density calculation" insert "for that 50% of the Wetlands District"

202.7 Delete "Area" and insert "District"

202.8 Delete "Area" and insert "District"

204.4.3 After "200 feet" add new sentence: "Frontage cannot accrue from a limited access highway"

After "Measurement" add: "on a way"

204.4.4 After "Driveway Requirements" add: "It is preferred that"

204.4.6 Strike "other than a building"

204.4.8 After "Stories" add "or 35 feet whichever is less"

222 Last line should read: "within two years"

302.1 Capitalize "Planned Development" and add "or Residential Cluster Plan"

302.3 After "Planned Development" add: "or Residential Cluster Plan"

303.3 Insert "Common" before "Open Space Ratio"

304.1 Add: "with separate exterior entrance for each unit"

304.2 Add: "with separate exterior entrance for each unit"

304.3 Add: "with units sharing exterior entrances"

304.8 After "residence by a" insert: "person in a general professional capacity such as"

305.11 Change "sight" to "site"

305.13 First sentence should read: "agency who is required"

305.14 First line - after "Board of Appeals" insert: "or"

305.19 Wetlands and Watershed District - Those lands as defined by the Wetland and Watershed Protective District and Map dated March 13, 1971.

306 After "To" insert "Common" before "Open"

306.3 Delete: "in fee or"

Delete: "subject to the acceptance of the Duxbury Conservation Commission, at the annual Town Meeting, under which use by all residents of the Town or residents of an established and defined special service district within the municipality may be specified."

306.3 (contd) Add:"Under the General Laws of the Commonwealth common open space may also be donated to a Conservation Commission or public or private charitable organization whose purposes include acquisition of land for open space purposes."

Delete: "The Town shall appropriate all tax revenues from this source to a special fund created for this purpose; however, the Town shall be entitled to maintain a reasonable portion for their expenditures in the collection of the tax."

306.4 After "filed with the" delete "town" and insert: "Plymouth County Registry of Deeds".

307.13 After "site" insert: "or 500 feet from the lot in question, whichever distance is greater".

403.2.7 After "capital" insert "and operating". After "facilities" insert "and programs"

404.2 Second line: delete "minimum"

407.3.2 Delete "in compounds serving more than 4 housing units" after "parking spaces"

407.5.6 After "filed with the" delete "town" and insert: "Plymouth County Registry of Deeds".

502.1 Second sentence: after "lands" insert "with the exception of Town owned lands". After "open space" insert "and/or common open space".

502.2 First sentence - Delete "for development".

Second sentence - after "filed with the" delete "town" and insert: "Plymouth County Registry of Deeds".

502.3 Fifth sentence: after "~~space~~" insert "calculation".

503.2 First line - delete "In communities" and insert "On sites"

503.3 Last sentence - after "and" insert "non structural".

503.4 First sentence: Strike and insert: "New buildings located beyond 200 feet of existing buildings shall not exceed 35 feet."

Second sentence: Strike in its entirety

Strike "beyond" and insert "within", strike "100 feet" and insert "35 feet"

Add sentence at end: "In no case shall Planned Development residential use types exceed 35 feet in height or 2½ stories.

504.1 Add: "All other spacings shall be at least equal to the average height of the buildings."

504.2 After "between" insert "exterior"

504.3 Delete "Two" and "two" and "Duplex". After "three" insert "and four"

504.4 Second sentence: "It is preferred that multi-family housing shall be only one unit deep or through units"

504.5.2 After second sentence, insert sentence: "However no structure shall exceed 160 feet in length"

505.1 At end add sentence: "No building shall exceed 35 feet in height"

At end of paragraph add: "Commercial uses in PD II and III shall be compatible and consistent with the PD residential land uses, the character of the neighborhood and the Town and the needs of the Town."

505.2 Insert "dust" between "odor" and "noise". At end add sentence: "No building shall exceed 35 feet in height."

505.3 At end add sentence: "No building shall exceed 35 feet or 2½ stories in height."

505.4 Last sentence: correct to read: "Entrances and areas adjacent to residential buildings shall be landscaped with plantings. A compatable architectural theme, etc.

506.3 After "Conservation District land" insert: "exclusive of town-owned land"

After "the" insert "Required"

Delete "compromise" and insert "comprise".

507.1 In chart delete: "Historic &"

507.2 On chart at right, correct to read "Minimum Square Feet Common Open Space per Person Required"

After chart add: "In no case shall the Common Open Space be less than 25% of the total site"

Add after chart: "The minimum common open space required herein shall be deed restricted against future structural development and shall be held in common open space uses persuant to one of the methods of holding common open space land set forth in Section 306."

508.1 Capitalize "Wetland" and "Watershed". Delete "areas" and insert "Districts as defined in 301.19"

After "Section 202.6.3" add "and 702.1".

508.1 (contd) Correct Chart to read:

Cluster Development	1/40,000 s.f.
Planned Development I	1-2.5 units/acre
Planned Development II	1-4 units/acre
Planned Development III	1-6 units/acre

509.1 After "subdivision regulations" insert: "as from time to time duly amended"

513.2 Second sentence delete "paved" and insert after "Walkways" - "of a material to be approved by the appropriate agency"

515.3 After "for stability" insert: "and compacted to within 95% of its maximum density, optimum moisture content"

At end, add sentence: "Trees shall be protected with an adequate tree well."

701 Before "Cluster Development" insert: "single family detached"

702.1 In chart delete: "Historic"

702.5 Delete "Yard Requirements", insert "Common Open Space"

Delete entire first sentence

Delete Section 307 and insert 306 and 506

702.6 Yard Requirements - all yard requirements shall conform to 504.1.

802 Delete: "Section 25 to 30B inclusive of Chapter 40" and insert: "Chapter 40A"

Delete the last sentence and insert: "The selectmen shall also appoint three associate members for terms of three years and so arrange that the term of not more than one member shall expire each year. No member or associate member shall act on any appeal in which he has a personal or financial interest. In case of absence of any regular member, his place shall be taken by an associate member."

803 Strike "Sections 25 to 30B inclusive" and insert: "Chapter 40A"

803.1 Strike in its entirety and insert: "Section 803.1. The provisions of G.L. Ch. 40A Section 20 provide that no appeal or petition under paragraph three of section fifteen for a variance from the terms of this bylaw with respect to a particular parcel of land or the building thereon and no application under Paragraph Two of Section Fifteen for a special exception to the terms of this bylaw, which has been unfavorably acted

803.1 (contd) upon by the Board of Appeals, shall be considered on its merits by said board within two years after the date of such unfavorable action except with the consent of all of the members of the Planning Board are hereby accepted and made a part of this bylaw."

806.2 After "intent", insert "within ten days"

806.16 After "development" delete remainder of sentence and insert: "and shall indicate non-compliance and shall result in reconsideration of the Tentative Plan."

807.1 & 807.2 Strike entire two paragraphs. Add: "Appeal of Board of Appeals Decision - Any person aggrieved by a decision of the Board of Appeals may take an appeal to the courts according to Section 21, Chapter 40A, General Laws of the Commonwealth of Massachusetts, and as amended."

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PROPOSED AMENDMENTS TO PROTECTIVE BYLAW
DUXBURY, MASSACHUSETTS

The following substantive changes have been drafted by the Planning Board, the Land Use Study Committee and their consultants, and in response to suggestions by the public. These changes are proposed as amendments to the Protective Bylaw.

201 Delete "Historic District"

201.2 Delete entire paragraph and sub-paragraphs through 201.2.4

201.5 After the last sentence add: "A minimum of three different residential use types shall be required in any special use permit application for a planned development. Residential use types are defined as (1) single family detacned, (2) single family attached, semi-attached or townhouses, (3) multi-family or garden apartments. In no case shall there be any more than 60% of any residential use type. In PD 1 and 2 detached single family uses shall be at least 5% of the required mix."

201.5.1 Delete "and uses permitted in the NBDI (Section 208.2)"

After "maximum density range" delete "1 to 4" and insert: "1 to 2.5"

201.5.2 After "maximum density range" delete: "1 to 6" and insert: "1 to 4"

Delete: "and NBD II" and "209.1 and 209.2"

Delete: "in addition to hotels, motels, and similar facilities for guest accommodations."

Add at end: "The gross floor area of NBDI business uses (Section 208.2) shall not exceed 5% of the gross floor area of residential uses."

201.5.3 After "maximum density range" delete: "1 to 8" and insert: "1 to 6"

203 Delete entire section

204.2.2 Delete entire sentence. Insert: "Except on a farm, the keeping of any vehicle or motor vehicle, which is registered under the laws of the Commonwealth of Massachusetts as a commercial vehicle, or if said vehicle is unregistered, it is of the character which, if it were registered, it would by law be required to be registered as a commercial vehicle under said laws of the Commonwealth, including but not specifically limited to bulldozers, flatbeds, large dump trucks, backhoes, graders, chippers, and tractors

204.2.2 (contd) except for one motor vehicle designed for the carrying of cargo or freight which does not exceed 10,000 pounds gross vehicle weight, owned or operated by a resident of premises on which it is kept. Nothing herein shall be construed to prohibit the keeping of one service type vehicle not to exceed 10,000 pounds gross vehicle weight by a resident who carries on a trade or profession away from his premises.

702.1 Density - at bottom of chart add:

Planned Development 1,2,3	1 D.U./40,000 s.f.

Add after chart: "In no case shall the acerage of the Wetland and Watershed District (305.19) used for density calculation exceed the acerage of the land in the site outside of the Wetland and Watershed District."

802 Delete second sentence and add: "The Board of Appeals shall consist of not less than three (3) nor more than five (5) members appointed by the selectmen for terms of three years and so arranged that the terms of not more than two (2) members shall expire each year."

Substantive Amendment 201

At end add: provided that any conflict between the map and the description of any district in the written terms of this by-law shall be resolved according to the written terms.

Minor Amendments

204.3.1	Insert: "legal" before "dwelling"
204.4.5	Change: "This section shall not apply to a building in existence" to "This section shall apply only to a building legally in existence"
208.2	After "site" plan" insert "(Section 211)"
209.1	Add: after "section 208.1", "inconformance with site plan, procedures and requirements for such uses."
211	After "NBD 3 Districts" delete "which"
212	First sentence: after "site plan" delete: "this section" and insert "Section 211"
213	First sentence: after "site plan" delete: "this section" and insert "Section 211"
214.1.1	Change 1500 to 15,000
223	Delete "unless said structure or use shall provide sufficient off-street parking facilities to satisfy the requirements of this bylaw."
302.3	Add at beginning: "An application for a special exception for a Planned Development or Residential Cluster Development under this bylaw including"
503.4	Add at end: "If any part of any floor level is more than four feet above finished grade it shall be considered as one story."
514.2	Change "shall" to "may"
806.13	Add after "filing", "of a Tentative plan"
813	Delete in all three paragraphs: "or its appointed agency"

Substantive Amendment 201

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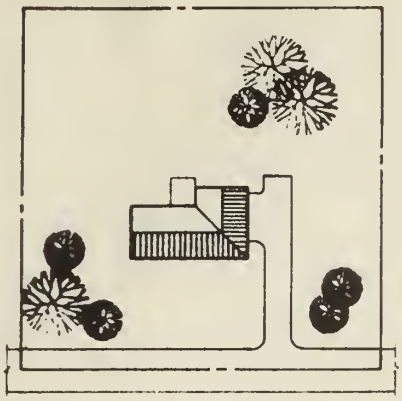
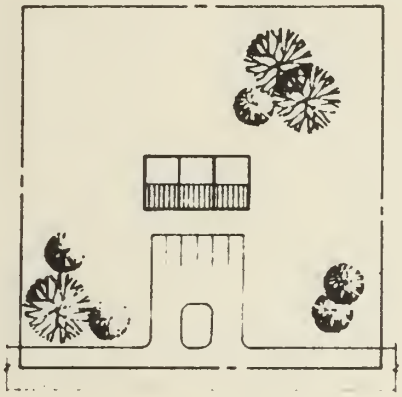


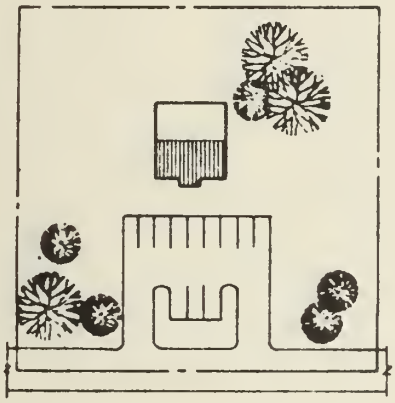
SINGLE FAMILY

COVERAGE	16%	TAX YIELD	$ 2200.00
DENSITY	1 DU/AC	MUNICIPAL COST	2052.00
VALUE	$ 50,000.00	SURPLUS	$ 148.00
or	$ 45,000.00		[$ 72.00]



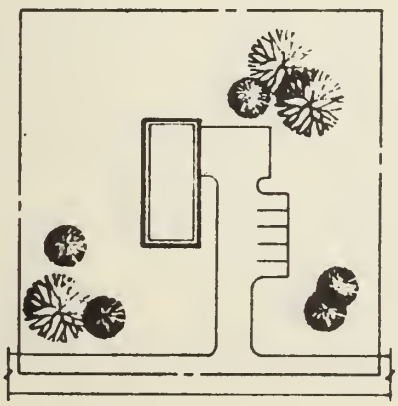
TOWNHOUSE

COVERAGE	16%	TAX YIELD	$ 4620.00
DENSITY	3 DU/AC	MUNICIPAL COST	4216.00
VALUE	$ 105,000.00	SURPLUS	$ 404.00



GARDEN APARTMENT

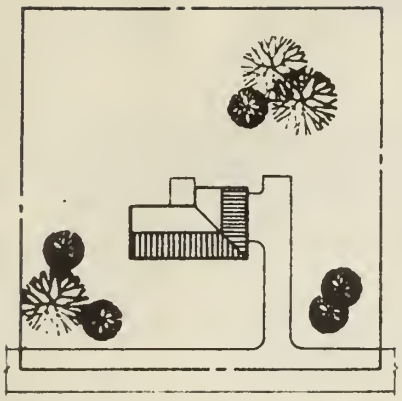
COVERAGE	16%	TAX YIELD	$ 6600.00
DENSITY	6 DU/AC	MUNICIPAL COST	5084.00
VALUE	$ 150,000.00	SURPLUS	$ 1516.00



INDUSTRIAL

COVERAGE	16%	TAX YIELD	$ 2200.00
VALUE	$ 50,000.00	MUNICIPAL COST	910.00
		SURPLUS	$ 1290.00

DUXBURY LAND USE COMPARISON



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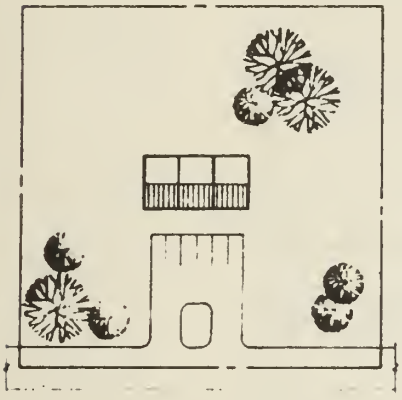

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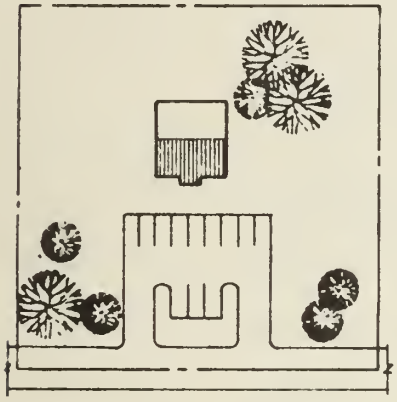

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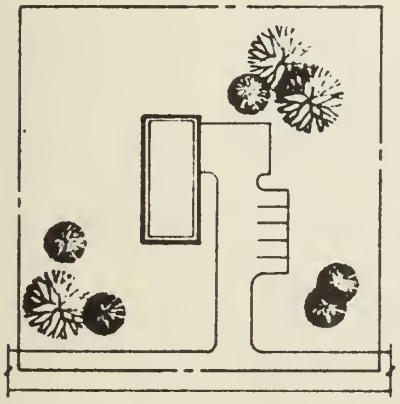

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DUXBURY LAND USE COMPARISON

PROPOSED AMENDMENTS TO PROTECTIVE BYLAW
DUXBURY, MASSACHUSETTS

The following minor changes have been drafted by the Planning Board, the Land Use Study Committee and their consultants, and in response to suggestions by the public. These changes are proposed as amendments to the Protective Bylaw.

101.4 Delete: "The Coastal and Inland Wetlands Acts"
Insert: "The Duxbury Wetlands and Watershed Protective District and Map dated March 13, 1971"

102 Delete: "approved by the Planning Board and adopted at the 1973 Town Meeting"

201.3 After 40,000 square foot lot add: "with limits defined by septic restrictions, Wetlands District as defined in 305.19 and flood plain areas"

201.4 Should read: "Wetlands District as defined in 305.19"

201.5 After "district" and before "special" insert: "these"

After "Residential Compatability District" add: "in conformance with the standards in Section 204"

201.5.1 After "Wetlands" add: "District as defined in 305.19"

201.5.2 After "Wetlands" add: "District as defined in 305.19"

201.5.3 After "Wetlands" add: "District as defined in 305.19"

Second sentence after and/or insert: "Residential"

202.2 After "Protection" delete "Area" and insert "District as defined in 305.19"

202.5.1 Delete "Area" and insert "District"

202.5.2 Delete "Area" and insert "District"

202.6.1 Delete "Area" and insert "District"

Delete last sentence

202.6.2 Delete "Area" and insert "District"

Second line, after "or" and before "site" insert "contiguous"

After "open space" insert "and/or common open space"

202.6.3 Delete "Area" and insert "District"

Second line, after "or" and before "site" insert "contiguous"

After "open space" insert "and/or common open space"

After "density calculation" insert "for that 50% of the Wetlands District"

202.7	Delete "Area" and insert "District"
202.8.	Delete "Area" and insert "District"
204.4.3	After "200 feet" add new sentence: "Frontage cannot accrue from a limited access highway"
	After"Measurement" add: "on a way"
204.4.4	After "Driveway Requirements" add: "It is preferred that"
204.4.6	Strike "other than a building"
204.4.8	After "Stories" add "or 35 feet whichever is less"
222	Last line should read: "within two years"
302.1	Capitalize "Planned Development" and add "or Residential Cluster Plan"
302.3	After "Planned Development" add: "or Residential Cluster Plan"
303.3	Insert "Common" before "Open Space Ratio"
304.1	Add: "with separate exterior entrance for each unit"
304.2	Add: "with separate exterior entrance for each unit"
304.3	Add: "with units sharing exterior entrances"
304.8	After "residence by a" insert: "person in a general professional capacity such as"
305.11	Change "sight" to "site"
305.13	First sentence should read: "agency who is required"
305.14	First line - after "Board of Appeals" insert: "or"
305.19	Wetlands and Watershed District - Those lands as defined by the Wetland and Watershed Protective District and Map dated March 13, 1971.
306	After "To" insert "Common" before "Open"
306.3	Delete: "in fee or"
	Delete: "subject to the acceptance of the Duxbury Conservation Commission, at the annual Town Meeting, under which use by all residents of the Town or residents of an established and defined special service district within the municipality may be specified."

306.3 (contd) Add:"Under the General Laws of the Commonwealth common open space may also be donated to a Conservation Commission or public or private charitable organization whose purposes include acquisition of land for open space purposes."

Delete: "The Town shall appropriate all tax revenues from this source to a special fund created for this purpose; however, the Town shall be entitled to maintain a reasonable portion for their expenditures in the collection of the tax."

306.4 After "filed with the" delete "town" and insert: "Plymouth County Registry of Deeds".

307.13 After "site" insert: "or 500 feet from the lot in question, whichever distance is greater".

403.2.7 After "capital" insert "and operating". After "facilities" insert "and programs"

404.2 Second line: delete "minimum"

407.3.2 Delete "in compounds serving more than 4 housing units" after "parking spaces"

407.5.6 After "filed with the" delete "town" and insert: "Plymouth County Registry of Deeds".

502.1 Second sentence: after "lands" insert "with the exception of Town owned lands". After "open space" insert "and/or common open space".

502.2 First sentence - Delete "for development".

Second sentence - after "filed with the" delete "town" and insert: "Plymouth County Registry of Deeds".

502.3 Fifth sentence: after ~~"space"~~ "System" insert "calculation".

503.2 First line - delete "In communities" and insert "On sites"

503.3 Last sentence - after "and" insert "non structural".

503.4 First sentence: Strike and insert: "New buildings located beyond 200 feet of existing buildings shall not exceed 35 feet."

Second sentence: Strike in its entirety

Strike "beyond" and insert "within", strike "100 feet" and insert "35 feet"

Add sentence at end: "In no case shall Planned Development residential use types exceed 35 feet in height or 2½ stories.

504.1 Add: "All other spacings shall be at least equal to the average height of the buildings."

504.2 After "between" insert "exterior"

504.3 Delete "Two" and "two" and "Duplex". After "three" insert "and four"

504.4 Second sentence: "It is preferred that multi-family housing shall be only one unit deep or through units"

504.5.2 After second sentence, insert sentence: "However no structure shall exceed 160 feet in length"

505.1 At end add sentence: "No building shall exceed 35 feet in height"

At end of paragraph add: "Commercial uses in PD II and III shall be compatible and consistent with the PD residential land uses, the character of the neighborhood and the Town and the needs of the Town."

505.2 Insert "dust" between "odor" and "noise". At end add sentence: "No building shall exceed 35 feet in height."

505.3 At end add sentence: "No building shall exceed 35 feet or 2½ stories in height."

505.4 Last sentence: correct to read: "Entrances and areas adjacent to residential buildings shall be landscaped with plantings. A compatable architectural theme, etc.

506.3 After "Conservation District land" insert: "exclusive of town-owned land"

After "the" insert "Required"

Delete "compromise" and insert "comprise".

507.1 In chart delete: "Historic &"

507.2 On chart at right, correct to read "Minimum Square Feet Common Open Space per Person Required"

After chart add: "In no case shall the Common Open Space be less than 25% of the total site"

Add after chart: "The minimum common open space required herein shall be deed restricted against future structural development and shall be held in common open space uses persuant to one of the methods of holding common open space land set forth in Section 306."

508.1 Capitalize "Wetland" and "Watershed". Delete "areas" and insert "Districts as defined in 301.19"

After "Section 202.6.3" add "and 702.1".

508.1 (contd) Correct Chart to read:

Cluster Development	1/40,000 s.f.
Planned Development I	1-2.5 units/acre
Planned Development II	1-4 units/acre
Planned Development III	1-6 units/acre

509.1 After "subdivision regulations" insert: "as from time to time duly amended"

513.2 Second sentence delete "paved" and insert after "Walkways" - "of a material to be approved by the appropriate agency"

515.3 After "for stability" insert: "and compacted to within 95% of its maximum density, optimum moisture content"

At end, add sentence: "Trees shall be protected with an adequate tree well."

701 Before "Cluster Development" insert: "single family detached"

702.1 In chart delete: "Historic"

702.5 Delete "Yard Requirements", insert "Common Open Space"

Delete entire first sentence

Delete Section 307 and insert 306 and 506

702.6 Yard Requirements - all yard requirements shall conform to 504.1.

802 Delete: "Section 25 to 30B inclusive of Chapter 40" and insert: "Chapter 40A"

Delete the last sentence and insert: "The selectmen shall also appoint three associate members for terms of three years and so arrange that the term of not more than one member shall expire each year. No member or associate member shall act on any appeal in which he has a personal or financial interest. In case of absence of any regular member, his place shall be taken by an associate member."

803 Strike "Sections 25 to 30B inclusive" and insert: "Chapter 40A"

803.1 Strike in its entirety and insert: "Section 803.1. The provisions of G.L. Ch. 40A Section 20 provide that no appeal or petition under paragraph three of section fifteen for a variance from the terms of this bylaw with respect to a particular parcel of land or the building thereon and no application under Paragraph Two of Section Fifteen for a special exception to the terms of this bylaw, which has been unfavorably acted

803.1 (contd) upon by the Board of Appeals, shall be considered on its merits by said board within two years after the date of such unfavorable action except with the consent of all of the members of the Planning Board are hereby accepted and made a part of this bylaw."

806.2 After "intent", insert "within ten days"

806.16 After "development" delete remainder of sentence and insert: "and shall indicate non-compliance and shall result in reconsideration of the Tentative Plan."

807.1 & 807.2 Strike entire two paragraphs. Add: "Appeal of Board of Appeals Decision - Any person aggrieved by a decision of the Board of Appeals may take an appeal to the courts according to Section 21, Chapter 40A, General Laws of the Commonwealth of Massachusetts, and as amended."

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Map

Zoning map of
Duxbury, Mass.
Updated to
Sept. 1968

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LEGEND

CONSERVATION DISTRICT

AQUIFER & WATERSHED PROTECTION DISTRICT

PUBLICLY OWNED OPEN SPACE

BUSINESS DISTRICTS 1 2 3

COMPATIBILITY DISTRICT

PLANNED DEVELOPMENT DISTRICT 1

2

3

DUNE PROTECTION AREA

MARSHFIELD

PEMBROKE

KINGSTON

PLYMOUTH

DUXBURY

BAY

North Duxbury

East Pembroke

Ashdod

Mayflower

Cedar Crest

Powder Point

Duxbury Beach

Long Point

Eagles Nest Point

Goose Point

Saquish Head

Gurnet Point

Hicks Point

Miramar

Island Creek

Tinkertown

Bayleys Corner

Millbrook

Back River

Duxbury Bay

Kingston Bay

Plymouth Bay

Wright Reservoir

Keene Mill Pond

South River Reservoir

Round Pond

Pine Lake

Island Creek Pond

Mill Pond

Upper Charlotte Pond

Lower Charlotte Pond

Tree of Knowledge Corner

Clarks Island

TOWN OF DUXBURY
PLYMOUTH COUNTY
MASSACHUSETTS

TOWN OF DUXBURY

ZONING